Security Council

Sixty-fourth year

Provisional

6151st meeting

Friday, 26 June 2009, 10 a.m.

New York

President:	Mr. İlkin	(Turkey)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Hernández-Milian
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Rogachev
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Australia, Bosnia and Herzegovina, Brazil, Canada, Colombia, the Czech Republic, Georgia, Guatemala, Indonesia, Israel, Italy, Jordan, Kenya, Liechtenstein, Morocco, New Zealand, Nicaragua, Norway, Peru, Qatar, the Republic of Korea, Sri Lanka, Switzerland, the Syrian Arab Republic, Uruguay and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 16 June 2009 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2009/324 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council which will be held on Friday, 26 June 2009, regarding the protection of civilians in armed conflict."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took the seat reserved for him at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 25 June 2009 from the Permanent Representative of the Libyan Arab Jamahiriya, in which he requests that the Senior Political Affairs Adviser at the Office of the Permanent Observer of the African Union to the United Nations, Mrs. Alice Mungwa, be invited to participate in the consideration of the item, without the right to vote, in accordance with rule 39 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I invite Mrs. Mungwa to take the seat reserved for her at the side of the Council Chamber.

I propose, with the consent of the Council, to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Holmes to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/277, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

At this meeting, the Security Council will hear a briefing by Mr. John Holmes.

I now give him the floor.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Council.

On this day in 1945, 50 States gathered in San Francisco to sign the United Nations Charter in an expression of their determination, in the words of the

Preamble, to save succeeding generations from the scourge and the untold sorrow of war and to ensure the use of armed force only in the common interest.

That determination to save succeeding generations from the scourge of war remains unfulfilled in all too many parts of the world. The sorrow and, I would add, brutality of war continue to be felt by untold millions of civilians, trapped by conflict or forced into flight. It is precisely against them and their rights and interests that armed force is so often used with devastating effect.

As the report of the Secretary-General (S/2009/277) before the Council today makes clear, a large part of the reason for that distressing state of affairs lies in the fundamental failure of parties to conflict, deliberately or otherwise, to respect and to ensure respect for their obligations to protect civilians.

It is a failure that demands, in the words of the Secretary-General, a reinvigorated commitment from us all to the Council's agenda on the protection of civilians and to promoting respect for the principles of international humanitarian law, human rights law and refugee law.

In the last 10 years, the protection of civilians in armed conflict has assumed a prominent place on the Council's agenda, as manifested in these regular open debates, the Secretary-General's periodic reports and the four thematic Security Council resolutions on the protection of civilians.

Most importantly, concern for the protection of civilians has increasingly permeated the country-specific deliberations and decisions of the Council. Regular meetings of the Expert Group on the Protection of Civilians and the systematic application of the revised aide-memoire — a published, user-friendly version of which has been distributed to the Council this morning — should further enhance the Council's response to protection issues in a more comprehensive and systematic way.

Yet, and as the five months since my last briefing have once again shown (see S/PV.6066), the reality on the ground has not changed in the same way at all. We cannot be remotely satisfied with the situation that we see in so many parts of the world today. Lip service to the principles of international law is no substitute for real action. And the latter is in sadly short supply. Much greater efforts are required to enhance compliance and, for that matter, accountability on the ground — that is to say, compliance by all parties to conflict with the applicable law and with the demands and decisions of the Council, and accountability for those individuals and parties that fail in those respects.

The Secretary-General's report sets out five core challenges. The first is enhancing compliance by parties to conflict with international humanitarian law and human rights law, with particular concern over the conduct of hostilities. The lack of compliance leads not only to the death and injury of hundreds of civilians in conflicts every week, but to the displacement of thousands more. The word displacement does not do justice to the reality — that is thousands of innocent civilians forced every single week to flee attacks and the destruction of their homes, their communities and their livelihoods, and to fall into an existence marked by danger, suffering and psychological anguish.

While the weapons have finally — and thankfully — fallen silent in Sri Lanka, deaths of civilians in places such as Somalia, Afghanistan and the Democratic Republic of the Congo constantly remind us of the urgent need for parties to conflict to be much more scrupulous in their efforts to spare civilians from the effects of hostilities.

In the Somali capital Mogadishu, for example, the eruption last month of renewed hostilities between forces aligned with the Transitional Federal Government and non-State armed groups has been marked by the bombing of civilian areas and street battles, with little or no regard for the safety and security of the civilian population. Since the first week of May, more than 200 civilians have been killed and over 800 wounded, while some 160,000 people have fled their homes.

In Afghanistan, the number of civilians killed and injured in the fighting continues to rise as the conflict intensifies, particularly in the south.

The United Nations Assistance Mission in Afghanistan reports that 261 civilians were killed in May alone. Anti-Government elements remain responsible for the majority of these civilian deaths through attacks on residential areas and schools, the use of improvised explosive devices and, often, targeted or otherwise reckless suicide attacks.

Suicide attacks and bombs left in public places have become so commonplace, not just in Afghanistan but also in such places as Iraq and Somalia, as to warrant no longer the same degree of attention and

outrage as they once did. Yet their impact on civilians is no less devastating, the responsibility of those who orchestrate them no less grave, and the need for systematic and effective condemnation from those in positions of authority and influence, including religious authorities, no less urgent.

Civilians continue to die in Afghanistan also as a result of the actions of pro-Government forces, particularly during air strikes. I welcome recent statements from the incoming leadership of United States and international armed forces in Afghanistan on the need to reduce civilian casualties, review rules of engagement and ensure their strict observance.

We will monitor such efforts closely, just as we continue to carefully monitor the situation of the civilian population in the North and South Kivu provinces of the Democratic Republic of the Congo. Since January, a wave of attacks on the civilian population by the Forces démocratiques de libération du Rwanda, including all too common acts of rape and other forms of sexual violence, has driven more than 370,000 people from their homes.

Alarmingly, the allegations of violence and abuse committed against civilians extend to members of the Armed Forces of the Democratic Republic of the Congo engaged in Operation Kimia II in South Kivu. Elsewhere in the region, the Lord's Resistance Army continues to spread fear and death among the civilian population, with frequent attacks and abductions in Haut Uélé.

The choice of weapons is critical in minimizing and reducing the impact of hostilities on civilians. We have seen significant progress in efforts to address the humanitarian impact of cluster munitions with the adoption last year of the Convention on Cluster Munitions. Such progress is welcome, but there is a broader concern, expressed in the report, at the indiscriminate and severe humanitarian impact of explosive weapons more generally, particularly when used in densely populated areas, as we have seen in recent conflicts. I join the Secretary-General in urging Member States, in consultation with relevant United Nations and other actors, to consider this issue further, including addressing the widespread use of improvised explosive devices in densely populated areas.

As noted in the Secretary-General's report, the Council has an important role to play in promoting systematic compliance with the law in situations on its agenda. This includes consistently condemning violations, without exception, and demanding compliance. It also includes the threat and application of targeted measures in cases of non-compliance, and requests for reports on violations and the mandating of commissions of inquiry where concerns exist regarding serious violations of international humanitarian and human rights law.

But the Council's concern cannot be limited only to those situations formally on its agenda. Even conflicts that are not perceived by all Council members to have implications for international peace and security can have a dramatic impact on the protection of civilians and can warrant Council action.

As I mentioned in my briefing in January (see S/PV.6066), it is relatively straightforward, if not always productive, for us to raise concerns over the conduct of hostilities and other protection issues directly with States and national armed forces. But, as humanitarians, we cannot talk only to one side. We must be able to engage and seek compliance by all parties to conflict, including non-State armed groups — the second of the five challenges identified in the report.

Unpalatable though this may be for some States, the simple yet brutal reality is that the failure to engage armed groups is always likely to mean more, not fewer, civilians killed and wounded. It is essential also to gaining access to those in need and to establishing a safe and secure environment in which the activities of humanitarian organizations are accepted and respected.

Various initiatives can and have been pursued to this end. These include training and the conclusion of special agreements or codes of conduct, through which groups commit to comply with their obligations. As recommended by the Secretary-General, as a first step towards a more comprehensive approach to addressing the actions of non-State armed groups, I would urge the Council to convene an Arria formula meeting to discuss the experience of United Nations and non-governmental actors in engaging armed groups, and to help identify additional measures that the Council and Member States could take to improve their compliance.

The inclusion of protection activities in the mandates of United Nations peacekeeping and other relevant missions has been a significant feature of the Council's efforts to improve protection on the ground. From Sierra Leone in the past to the present-day Democratic Republic of the Congo and the Sudan,

peacekeeping operations have made and continue to make important contributions to the safety and security of civilians. The challenge now, as identified in the report, is to maximize their impact by addressing the disconnect between mandates, intentions, expectations, interpretations and implementation capacity.

Practically, that means providing clear and practical guidance to heads of missions and force commanders on implementing protection mandates. It means the development, on a more systematic basis, of mission-specific protection strategies and the spread of best-practice innovations. It also means, to paraphrase resolution 1674 (2006), ensuring not only that protection is prioritized in decisions concerning the use of available capacity and resources, but more crucially still that the capacity and resources provided are genuinely appropriate for the task of protecting civilians.

These and other issues will be addressed in the forthcoming independent study commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, to be completed this summer. Its recommendations for improving the impact of protection mandates will be shared with the Council.

Among the protection tasks assigned to peacekeeping missions, creating conditions conducive to the provision of humanitarian assistance has in many cases been critical. It has, no doubt, helped save lives in such places as Chad, the Democratic Republic of the Congo and the Sudan, but peacekeeping missions are not present in all situations. Moreover, humanitarian organizations should not need to rely on such missions to help ensure their access to civilians in need. The Council itself has called on all parties concerned, including non-State actors and neighbouring States, to cooperate fully with the United Nations in providing safe, timely and unimpeded access to civilians in armed conflict.

Yet, as detailed in the annex to the report, our access to conflict-affected populations is too often unsafe and not timely enough, and too frequently impeded. Millions of vulnerable people are deprived of assistance as a result. Enhancing access to those in need is identified as the fourth challenge in the report. Many factors interfere with access, but three constraints are the most severe and most widespread.

First is burdensome bureaucracy. Permissions and travel notifications restrict the movement of humanitarian actors, while customs and quotas on goods stifle the flow of aid. The result is that those in need do not receive the assistance they need when and where they need it.

In Gaza, for example, the criteria used by the Israeli authorities for allowing the import of goods remain unpredictable. Medical supplies can be subject to particularly long delays. Israel's decision in March of this year to allow the unrestricted entry of all foodstuffs from Government-approved sources remains unimplemented and, despite major shelter and reconstruction needs following the hostilities earlier this year, only a fraction of the required construction materials have so far been allowed into Gaza.

In the Sudan, the convening of the now-expanded high-level committee represents significant progress towards renewed cooperation to facilitate humanitarian action in Darfur. The committee must now be replicated at the State level in Darfur in order to eliminate inconsistencies in implementation and maximize aid effectiveness, especially given the upcoming hunger gap and rainy season.

Secondly, all too often parties to conflict neglect to ensure the well-being of conflict-affected populations during intense hostilities, even when they need emergency medical assistance. In Somalia, for example, the renewed hostilities in Mogadishu have led some humanitarian actors to cease activities in recent weeks, including providing medical services for the civilian population at a time when humanitarian needs are significantly rising. It is critical that parties to conflict allow and facilitate the delivery of humanitarian assistance in such circumstances, including through such operational measures as de-conflicting arrangements, days of tranquillity, and humanitarian pauses. They must also allow safe passage to civilians seeking to flee zones of fighting.

The most abhorrent and worrying constraint on access stems from violence against humanitarian operations and staff themselves, which has steadily increased over the past decade, including a sharp rise in attacks affecting United Nations agencies since 2006. The year 2008 was the worst on record for all humanitarian actors taken together.

I am currently particularly concerned for humanitarian personnel in Afghanistan, Chad, the

Democratic Republic of the Congo and Somalia. The dangers and deaths in Somalia and Afghanistan are well known. Three local humanitarian workers with non-governmental organizations were murdered earlier this week in Afghanistan. In Chad, violent criminality continues to impede humanitarian operations, including situations where humanitarian convoys accompanied by armed escorts have been caught in the crossfire. In the Democratic Republic of the Congo, attacks on humanitarian workers have averaged one every three days since the start of 2009.

Such incidents are unfortunately not aberrations, and they will not disappear without concerted action. Humanitarian workers are targeted on occasion for political reasons. Relief supplies and assets are viewed as soft targets for criminal exploitation.

Critical in this regard is broadening the understanding and acceptance among all actors, State and non-State, of the purpose of independent, neutral and impartial humanitarian action. The Council has an important role to play in bringing this about. Possible steps in particular situations include calling on parties to allow and facilitate the provision of assistance, to allow safe passage for civilians seeking to flee zones of fighting, to conclude and implement agreements to expedite the deployment of humanitarian staff and assets and to condemn systematically acts of violence targeting humanitarian workers.

Above all, the Council should ensure that constraints on access have consequences for those that impose them and not just those that suffer because of them. That means, for example, applying targeted sanctions against individuals obstructing access or perpetrating attacks against staff, and even being ready to refer situations involving the prolonged and wilful impediment of relief, or attacks against humanitarian workers, to the International Criminal Court (ICC).

Just as constraints on access must have consequences, so too must other violations of international humanitarian law and human rights law — and with obvious good reason. It is to a large degree the absence of accountability and, worse still, the absence in many instances even of any expectation or fear of accountability that allows violations to thrive. Addressing this culture of impunity is the fifth challenge identified in the report.

Ensuring accountability begins with training combatants on the law, issuing manuals, orders and instructions setting out their obligations and establishing effective disciplinary measures to ensure their observance. It includes adopting national legislation for prosecuting genocide, crimes against humanity, war crimes and other serious violations of human rights law. And it extends to ratification of the ICC Statute and full cooperation with the Court and similar mechanisms.

For the Council, it means insisting on such cooperation and, if necessary, enforcing it through targeted sanctions. And it means systematically requesting reports on violations and mandating commissions of inquiry to examine situations of concern.

In practical terms — in the Democratic Republic of the Congo, for example — this translates into ensuring accountability for the seemingly endless and appalling stream of acts of sexual violence attributable to all parties. It also means that allegations of violations committed by members of the Armed Forces of the Democratic Republic of the Congo (FARDC), including but not only in the context of Operation Kimia II, be investigated and their perpetrators held to account. The establishment by the United Nations Organization Mission in the Democratic Republic of the Congo of a rapid response and early warning cell to collect information on cases of ill-discipline and human rights violations committed by the FARDC is a welcome step, but in the meantime the FARDC must redouble its efforts to instil discipline and respect for the law into its troops.

In Afghanistan, accountability means prompt and credible investigations into air strikes and other incidents causing the death or injury of civilians or damage to civilian property, with adequate and timely information provided on the outcome of investigations and payments made to those affected. And in situations like that of Sri Lanka, it means key members of the international community and this Council supporting international calls for an independent investigation into alleged violations committed during the hostilities.

Accountability also means reparations. I would urge the Council to call on States to establish, or itself to mandate, in relevant contexts, mechanisms to receive claims alleging violations of international humanitarian law and human rights law.

The last 10 years have provided us with a tantalizing sense of the potential of the agenda on the

protection of civilians. We now have to realize that potential by meeting these five core challenges.

We will consult with Member States on further possible steps to make the most of the tools at the Council's disposal in advance of the next debate on protection of civilians, in November, which will mark the tenth anniversary of the Council's consideration of the protection of civilians as a thematic issue. Ultimately, the aim must be to enhance compliance and accountability, not just in respect of the law but also, crucially, in respect of the demands and decisions of this Council. The Council's willingness and ability to uphold and enforce its own demands and decisions is inevitably the real test of its commitment to the protection of civilians.

The President: In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes, in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber. We have 49 speakers who wish to take the floor today.

I shall now give the floor to the members of the Council.

Mr. Vilović (Croatia): Mr. President, at the outset I wish to thank you and the Turkish presidency for organizing this debate on the protection of civilians during armed conflict. I would also like to thank Under-Secretary-General for Humanitarian Affairs John Holmes for his important briefing.

Croatia aligns itself with the statement of the European Union to be delivered later by the representative of the Czech Republic. I should like here to make some specific points.

Battles of the past were largely conducted on battle fields. The middle of the last century marked a turning point in the nature of contemporary conflict, especially as it relates to civilians. The last century witnessed such distressing phenomena as ethnic cleansing, crimes against humanity and genocide, for which we unfortunately have too many examples. These abhorrent practices, this new manner of waging war, are something that the international community must continue to address, for complacency in tackling this challenge may well equal complicity.

As a point of departure we would like to highlight once again the Geneva Conventions, which lie at the core of international humanitarian law and the protection of civilians. This Council has on numerous occasions reaffirmed its commitment to protect those most vulnerable in armed conflict and has repeatedly condemned systematic and widespread violations of international humanitarian and human rights law, most recently in our January debate on this very issue. The revised aide-memoire adopted at that time (S/PRST/2009/1, annex) provides valuable guidance for Council action, integrating the many different aspects of the protection of civilians.

There continues to be a humanitarian imperative that all States be bound by the very real need to reduce human costs in armed conflict, in particular the imperative to uphold the rights of civilians. The Council can and has pronounced itself on these issues and can impose targeted measures and individual sanctions against individuals responsible for grievous violations of humanitarian law and human rights.

Recent normative and methodological advancements have allowed us to increasingly bring to light the plight of women and children, especially young girls, in armed conflict, as well as to address certain types of weapons. Yet despite the advances made in implementing international humanitarian law and the work being done by a plethora of actors on these issues, Croatia is concerned by the heavy toll that civilians in many conflict areas around the world civilians continue to bear. This year alone, our discussions on this subject have been held against the distressing backdrop of the suffering of civilians in such places as the Democratic Republic of the Congo, Gaza and the Sudan.

In situations where prevention has failed, national Governments need to be held accountable for arresting and prosecuting those who have committed grave crimes, as the primary responsibility for protecting civilians lies with the parties to an armed conflict. If Governments fail to investigate, prosecute and adequately punish violations of international humanitarian law committed by members of their own armed forces or committed on their territory, recourse to the International Criminal Court (ICC) can and should be considered. That is where the Security Council can play an important role, as it did by referring the situation in Darfur to the ICC.

Last year, at the open debate on the protection of civilians, Croatia called for more consistent attention from the Security Council on this issue. We have been pleased to find that, over the past year, important progress has been made. The Council agreed to negotiate the expansion of triggers in the area of children in armed conflicts and adopted resolution 1820 (2008) on sexual violence in armed conflict.

We look forward to the upcoming report of the Secretary-General on the implementation of resolution 1820 (2008). We also look forward to the issuance of the study undertaken by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on how United Nations missions can contribute more to the protection of civilians. While we acknowledge that many peacekeeping operations have strong provisions in their mandates on the protection of civilians — which we salute — and often act in close cooperation with the Office of the United Nations High Commissioner for Refugees, UNICEF and the Office of the High Commissioner on Human Rights on the ground, more attention needs to be given to the implementation of these provisions, including to possible lessons learned from a variety of situations.

Croatia is concerned about reported cases where Governments or armed groups are denying access to humanitarian assistance. Preventing food and other supplies from reaching civilians, especially children, desperately waiting for assistance has in many cases developed into another deplorable method of war. We strongly condemn attacks on humanitarian personnel and we urge all parties to conflict to ensure their safety.

When we talk about civilians in armed conflict, let us not forget that many of them have ended up with disabilities, both physical and psychological. We should intensify our efforts to help them live a dignified life, especially during the delicate time of post-conflict peacebuilding.

We are on a good path towards addressing the many challenges that still lie ahead of us. We have a good basis and practice on which we can build, including on how to be more systematic in our approaches to protection issues. When we make decisions and adopt resolutions in this Council, we should therefore also ask ourselves what impact they will have on civilians on the ground. Let us use the power we have in order to be advocates for those who have no voice. In the end, that is the best legacy we can leave both for them and ourselves.

Mr. Bui The Giang (Viet Nam): On 14 January, in this Chamber, the Security Council held an open debate on the protection of civilians in armed conflict. Fewer than six months have passed since then. Our presence here today to discuss the same topic for the second time within such a short span is clear evidence of the importance of this topic. I therefore thank you, Mr. President, for your initiative to convene this meeting. I also thank the Secretary-General for his report (S/2009/277) and Under-Secretary-General Holmes for his briefing.

Joining all members of the Council in celebrating the tenth anniversary of the Security Council's first consideration of the protection of civilians in armed conflict as a thematic issue, my delegation commends the progress recorded so far thanks to the aggregate endeavours of all stakeholders, particularly those women and men of United Nations missions dispatched to the field to contribute to lessening the suffering of civilians in certain parts of the world.

We are, however, deeply concerned about the persistent and pervasive violations as well as the increasing indiscriminate and excessive use of force against civilians in conflict situations. We continue to be disturbed by the growing number of deaths and injuries inflicted upon civilian populations. We also continue to be preoccupied by the widespread displacement of civilians in most conflicts and by the threat that it could provoke another conflict as a consequence of the resulting social tension and a myriad of problems for the host location. While aware of the many reasons that have been put forward to explain this situation, we are convinced that the most visible and undeniable reason is the common failure to comply with international law, especially international human rights and humanitarian law, as well as the common failure to ensure humanitarian access for civilians, especially access to food, fuel and medical treatment, as clearly mentioned in the Secretary-General's report and its annex.

In this regard, my delegation should have liked to see the situations of civilians in armed conflict presented in a more structural manner in the report. Supported by the aide-memoire on the protection of civilians in armed conflict (S/PRST/2009/1, annex) and with more weight given to analysing the situation on

the ground, a more structural report would provide a better foundation for more adequate, timely and convincing recommendations.

As it has in all Security Council debates and other meetings on this topic, my delegation reiterates Viet Nam's consistent view that the State must bear the primary responsibility for protecting its civilians and that, as the largest and most representative organization of States, the United Nations system has a critical role to play, particularly in political mediation, peacekeeping operations and humanitarian and development assistance.

In this regard, and given the comprehensive nature of any feasible solution, we wish to underline the imperative to enhance coordination among United Nations bodies — above all the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General for Children and Armed Conflict and all United Nations field missions — in responding to the needs of civilians in armed conflict, not only in physical security terms, but in political and socio-economic terms as well.

Reality has proved that, while possibly effective in certain cases, dialogue with non-State armed groups must be carefully considered and approached in the overall framework of cooperation with the States in question in order to avoid the unintended legitimization of illegal or even internationally recognized terrorist groups. Similarly, to end impunity, as called for in resolution 1674 (2006), we support, inter alia, the implementation of justice and reconciliation mechanisms, including national, international and mixed criminal courts and tribunals and truth and reconciliation commissions, as appropriate. Nonetheless, we believe that the referral of situations to international criminal courts or similar mechanisms should be considered on a case-by-case basis to avoid the risk of infringement of national sovereignty resulting from generalization.

Furthermore, having attended informal meetings of the Expert Group and benefited in certain measures from the information provided by OCHA before the renewal of the mandate of some United Nations missions, my delegation remains affirmative in its view that the establishment of any new mechanism within the Security Council must be thoroughly studied before a decision is made in order to avoid operational and institutional duplication, as well as financial implications. This approach is all the more necessary in the context of the ongoing United Nations reform to improve the efficiency of each and every United Nations body, including the Security Council.

Recalling the six reports considered by this Council, which contain more than 100 recommendations, and the eight presidential statements adopted by this Council over the past 10 years on this issue, I wish to conclude by joining the Secretary-General in calling for greater focus on the effective, actual translation of these documents into improvements in the protection of civilians on the ground so that civilians can eventually be truly freed from the scourge of armed conflicts mushrooming in many parts of the world in this twenty-first century.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation thanks you, Sir, for convening this debate, which comes at a time when the protection of civilians in armed conflicts is assuming particular importance. Although the obligations stemming from international instruments on international humanitarian law, human rights and refugee law are well known, the scope and impact of conflicts continue to have serious effects on people in various regions of the world.

We are grateful to Under-Secretary-General Holmes for his statement and introduction of the report of the Secretary-General (S/2009/277). We also appreciate the document from the Office for the Coordination of Humanitarian Affairs that has been issued today.

The number and complexity of current conflicts, the lack of respect for the norms of international humanitarian law and the use of ever more sophisticated weapons that have indiscriminate effects on civilian populations have all served to increase the challenges facing the Security Council. They also constitute the backdrop against which to evaluate the results obtained in implementing the recommendations that have been made in the 10 years that this item has been on the Council's agenda. Unfortunately, the catalogue of acts of aggression of various kinds from which civilians suffer has become part of our daily lives. The diverse nature of the situations that have been mentioned today is also something that the Council should respond to appropriately.

Mexico expresses its concern about the fact that in recent conflicts the parties involved have made

illegal and excessive use of force and have used weapons that have been prohibited under international humanitarian law. My delegation would like to reiterate the importance of the principles pertaining to distinguishing between civilian and military targets, to proportionality and to the prohibition of indiscriminate attacks and of certain weapons. We should recall once again that we have an obligation to abide by and enforce international humanitarian law, as established in the 1949 Geneva Conventions.

The lack of access to humanitarian assistance, the use of cluster munitions and the availability of small arms, as well as the right to housing, land and property, are just some of the challenges that require concrete action, given their pernicious effects in the proliferation of armed conflicts and in the toll in innocent lives.

We once again call on the Members of the Organization to take every necessary measure to facilitate and guarantee the safe, unobstructed and timely delivery of humanitarian assistance to people affected by conflict. In that regard, we recall the relevance of resolution 1502 (2003), for which Mexico advocated, on the protection of United Nations and associated personnel and humanitarian personnel in conflict zones.

We join the Secretary-General in calling on States that have not yet done so to ratify without delay the Convention on Cluster Munitions and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

Given the negative effects of the excessive availability of small arms and light weapons in exacerbating conflicts, Mexico would like to reiterate its commitment to honour and promote the implementation of Security Council arms embargoes. We urge States to honour their commitments under the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as those under the relevant regional conventions in that regard.

With regard to the issue of housing, land and real property, we should strengthen the Council's commitment to ensure that refugees and internally displaced persons are able to freely return to their homes in safety.

As the guarantor of international peace and security, the Security Council has the obligation to take every measure necessary against those who commit any violation that threatens or severely endangers civilians during armed conflict. Mexico believes that Council resolutions on the protection of civilians in armed conflict should be grounded in the norms and principles of international humanitarian law. That will make it possible to strengthen and further develop that body of norms. It would also confer greater legitimacy on the decisions and actions of the Council.

My delegation acknowledges the efforts by the international community to strengthen international humanitarian law, as exemplified by the initiative launched by the Government of Switzerland and the International Committee of the Red Cross to draw up the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Those initiatives contribute to a better understanding about the participation of non-State and non-traditional actors in armed conflict. In the first few months of its participation in the Security Council, Mexico has endeavoured to adhere to the principles underpinning this issue and to contribute to developing agreements conducive to the maintenance of international peace and security.

With regard to the humanitarian crisis in Sri Lanka, we encouraged the Government's efforts to protect civilians and persons displaced by the conflict. We also called on the parties to always respect international humanitarian law. Furthermore, we repeatedly called on the Government to coordinate its efforts with those of the United Nations agencies in order to evacuate the people trapped by the conflict, as well as to ensure the best possible accommodation and conditions for displaced persons in dignified and safe facilities in which they could receive basic humanitarian assistance, including appropriate care in hospitals. Although the military part of the conflict has come to an end, various sources have mentioned grave violations of international humanitarian law and international human rights norms committed by the parties that warrant investigation by an independent commission. Accounting for what has happened is not merely about justice, it is also a necessary step in facilitating the process of national reconciliation in every society emerging from conflict.

With regard to the situation in the Middle East, we have underscored that all parties should constantly abide by the provisions of international humanitarian law, honour their international obligations and avoid actions that may put civilians in danger. Since the end of the crisis in Gaza at the beginning of this year, Mexico has emphasized the need to put in place an international monitoring mechanism to ensure a lasting ceasefire, the opening of the border crossings, an end to the illicit trafficking in weapons and humanitarian assistance to the population.

The situations that I have just referred to, as well the others that have been mentioned today, illustrate that the responsibility to protect — a principle adopted by the General Assembly in 2005 — is not an abstract concept but rather one whose real value we can appreciate when we face crisis situations. Let us not fall into an endless theoretical debate while reality outpaces our Organization's capacity to act.

We should bear in mind that violations of the norms and basic principles of international humanitarian law constitute war crimes, and that it is the Member States who bear the primary responsibility to investigate and prosecute those allegedly responsible for them. Transparency and accountability acquire an essential prime significance when it comes to protecting civilians in armed conflict. Should States lack the capacity or willingness to prosecute alleged perpetrators, the International Criminal Court has the jurisdiction to take up such crimes, as set forth in the Rome Statute.

In the case of Darfur, following the presentation of the report of the Prosecutor early this month, we underscored that it was unacceptable that hundreds of thousands of individuals have been murdered, raped or forcibly displaced without access to basic humanitarian assistance. Mexico has repeatedly affirmed that the decision of the Government of the Sudan, in response to the Court's decision in March, to expel humanitarian organizations that were providing humanitarian assistance was unfortunate, to say the least. It has only increased the harmful consequences for the civilian population in Darfur.

To conclude, Mexico reiterates the urgent need for all parties to conflict to put an end to flagrant violations against civilian populations. It is essential that the international community focus its attention on the prevention of conflicts and the promotion of a culture of respect for the principles and norms that enshrine the protection of civilians in armed conflict and the eradication of impunity. The report of the Secretary-General and the aide-memoire submitted by the Office for the Coordination of Humanitarian Affairs are an excellent foundation for our future work in this area.

Mr. Takasu (Japan): I would like to thank the Secretary-General for preparing his report on the protection of civilians in armed conflict (S/2009/277). I am also deeply grateful to Under-Secretary-General John Holmes for his briefing.

Substantial progress has been made on the protection of civilians in armed conflict since the first debate of the Council on this subject 10 years ago. The Council has since produced a number of well-established normative frameworks, including one that was laid out in resolution 1674 (2006). As a result, awareness has been raised among Member States and the Council has adopted a growing number of decisions related to this issue to advance the cause in country-specific deliberations.

We welcome the recently adopted practice of convening a meeting of the Security Council Expert Group on the Protection of Civilians to receive a briefing from the Secretariat on up-to-date and detailed information on the protection of civilians prior to consultations on the mandates of specific peacekeeping missions. All Council members should take full advantage of these briefings.

What is most important now is to put those established normative frameworks into practice. Despite the progress to date, we have grave concerns about ongoing civilian casualties all over the world, be they civilians, journalists or humanitarian workers. We cannot accept child soldiers, sexual violence or any of the other violations of international human rights and humanitarian law that take place somewhere in the world every day. We have to redouble our efforts. Today, I would like to highlight three points.

First of all, we should emphasize that it is States that have the primary responsibility to enhance compliance with international law and to protect civilians. At the same time, we need to address the serious impact that non-State groups are having. We are appalled by the use of civilians as human shields by, for instance, the Liberation Tigers of Tamil Eelam, and deliberate attacks on civilians by the Lord's Resistance Army. Non-State armed groups often

deliberately use civilians to attain their political and military ends, and fighting inevitably produces civilian casualties.

It is essential to ensure compliance with international humanitarian law by non-State actors as well. We believe that the protection of civilians should be a priority in any conflict situation, be it a civil war or an anti-terrorist operation. At the same time, we recognize the legitimate right of sovereign Governments to combat illegal armed groups and terrorist organizations.

It is not always easy to attain the two objectives at the same time: on one hand, to fight against a rebel group or terrorist organization and, on the other, to protect civilians and minimize casualties. But both objectives must be pursued simultaneously to the fullest extent. The international community, in particular the Security Council, needs to discuss in depth how to achieve both objectives and, particularly, how to ensure humanitarian access and compliance with international humanitarian law by non-State armed groups. There are suggestions in the report of the Secretary-General, and we can start from there.

The second issue is the mandate of peacekeeping operations. Protecting civilians is an effective way to contribute to social stability and prevent the recurrence of a conflict. The Council has therefore mandated many peacekeeping operations to protect civilians.

However, as the report makes clear, a substantial gap exists between the high expectations placed on a mission to carry out the mandate when the Security Council takes a decision and the actual implementation on the ground of those mandates. The Council needs to address this discrepancy in all its aspects, including mandate formation, mission planning, human and financial resources, necessary equipment, standards of operation and rules of engagement.

The Working Group of the Whole on United Nations Peacekeeping Operations, under my chairmanship, has committed to address these issues through discussions with troop-contributing countries, police-contributing countries, major financial contributing countries and other major stakeholders. The Working Group will make every effort to formulate concrete measures that will facilitate improving operational capacity to implement complex mandates. I urge members to extend their full cooperation so that the Group may complete its task on time.

The independent study on the protection of civilians commissioned in the Secretariat by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations will also attempt to address these issues, and we look forward to its findings.

The third point is the human security perspective. I would like to emphasize how important it is for the protection of civilians that we work to empower individuals and communities to prevent the recurrence of a conflict. Empowerment is vitally important if vulnerable people, such as refugees and internally displaced persons, are to be able to stand on their feet again and begin to rebuild their lives.

Empowerment is at the very core of human security, which the Friends of Human Security, under the co-chairsmanships of Mexico and Japan, have been promoting. I am very grateful for the commitment of Ambassador Heller on this. Appropriate assistance for empowerment, such as income-generating activities, education and health services, are key components in protecting civilians and ensuring human security.

Through the Friends of Human Security, we will continue to make every effort to operationalize this approach in the activities of the United Nations. We believe that doing so will provide added value so that civilians are properly protected irrespective of their legal status when they find themselves caught in the midst of conflict.

In conclusion, Japan supports the recommendations contained in the report of the Secretary-General. We attach importance to the briefings of the Expert Group and to applying the revised aide-memoire to review mission standards. It is my conviction that we should measure the progress in meeting our common challenge not by the number of documents or analyses that we prepare, but by the number of lives we can save and the people we protect on the ground. The Security Council is responsible for considering specific action based on the information and recommendations presented to us. The Council must monitor closely and ensure the implementation of any decision it has taken. To that end, we are ready to consult with other Member States and the Secretariat.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation welcomes the holding of this debate. We would like to thank Under-Secretary-General Holmes for his briefing.

This year marks the tenth anniversary of the Council's first discussion of the protection of civilians in armed conflict. For the past decade, the international community has focused increasing attention on the protection of civilians in armed conflict, and the Council has adopted numerous resolutions and presidential statements in this regard.

However, in today's world, there are still large numbers of civilians who find themselves harmed and affected by armed conflict. The international community therefore still faces a long and arduous task in protecting civilians. We are deeply concerned about the threats posed by armed conflict to the lives and property of civilians. We urge all parties to conflict to respect international humanitarian law and the relevant resolutions of the Council by protecting the lives, property and legitimate interests of civilians.

The Council, as the nucleus of the United Nations collective security mechanism bears the main responsibility for the maintenance of international peace and security. The protection of civilians should be addressed comprehensively within the larger framework of a political process aimed at the peaceful resolution of conflict. It is important to tackle this problem upstream and to do everything we can to prevent and reduce the number of conflicts in order to eliminate the harm to civilians caused by armed conflict.

Responsibility for the protection of civilians falls first and foremost on national Governments. The international community and external organizations may provide constructive assistance. However, while doing so they must abide by the relevant provisions of the United Nations Charter and fully respect the will of the countries concerned and their sovereignty and territorial integrity. They must do all they can to avoid wilful intervention in that regard. When it comes to fighting impunity and achieving justice, we are in favour of granting an important role to national courts and tribunals as the main avenue to achieving that goal.

The Council has an active role to play with regard to advancing the call for the protection of civilians in armed conflict. However, China has never been in favour of the Council resorting to the use of or threatening the use of sanctions at every turn. Special care must be taken in particular when addressing the protection of civilians in armed conflict. It must be reemphasized that national Governments have the right to take law enforcement action to fight terrorists, extremists and separatists in their territory, in order to safeguard their own and the region's security, peace and stability.

Law enforcement action taken by national Governments in the fight against terrorism has nothing to do with armed conflict. Therefore, the international community may not take steps to limit or intervene in the legitimate law enforcement actions of national Governments, based on the pretext of the protection of civilians.

The majority of conflicts take place in the underdeveloped regions of the world. One of the many and varied causes of armed conflict is poverty and the accumulated lack of progress in economic development. The United Nations has an important role to play in mobilizing international resources and providing financial and technical assistance to the countries concerned.

When it comes to the protection of civilians in armed conflict, we must not rely solely on the efforts of the Council. The General Assembly, the Economic and Social Council, the United Nations Development Programme, the World Bank and regional organizations should play their respective roles in helping to develop national economies, resolving conflict and protecting civilians. China also welcomes the active involvement by non-governmental organizations in that regard. China is ready to work together with other members of the international community to achieve concrete results on the protection of civilians through pragmatic and effective efforts.

Mr. Hernández-Milian (Costa Rica) (*spoke in Spanish*): It an honour for Costa Rica to speak today in its capacity as the Chair of the Human Security Network and on behalf of the following members: Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Switzerland, Thailand, Slovenia and South Africa as an observer.

The protection of civilians in armed conflict is one of the priorities of the Human Security Network and we would like to thank the Turkish presidency of the Security Council for the organization of this important debate. I also thank the Under-Secretary-General for Humanitarian Affairs for his presentation today and welcome the submission of the report (S/2009/277) of the Secretary-General on the protection of civilians and its annex on constraints on humanitarian access.

It has been almost 10 years since the first peacekeeping operation was given an explicit mandate on the protection of civilians in Sierra Leone. At this tenth anniversary, we have accumulated important achievements and established a comprehensive framework in the Security Council. It is comprised of four thematic resolutions on the protection of civilians, as well as other milestone resolutions, including 1325 (2000), 1612 (2005) and 1820 (2008), which refer to the protection of specific groups such as women and children. At the country-specific level there has been also significant progress. Today almost all peacekeeping missions have protection-related activities. There are currently eight missions mandated with the specific task of providing physical protection.

In addition to that, we have entered into a new era of multidimensional peacekeeping operations with large civilian components including human rights verification, humanitarian relief, capacity-building, restoration of infrastructure and services, security sector reform and others. As the report clearly states, "Protection of civilians is not a military task alone" (S/2009/277, para. 53). We share that view and believe that a comprehensive approach and inclusive protection strategies are the most effective ways to address and to respond to human security threats to civilian populations in armed conflict.

However, despite the increased attention by the Council, the prevalence of civilian casualties and the number of people affected by armed conflict are still overwhelming. The changing nature of conflict and the complexity of protecting the safety, dignity and integrity of individuals during armed conflict continue to pose new challenges to our collective response.

Costa Rica is deeply concerned about the recurrent attacks against camps for refugees and internally displaced persons, as well as against humanitarian workers; the use of sexual violence and forced displacement as tactics of war; the prevalence of child recruitment; the proliferation of illicit trafficking and misuse of small arms and light weapons; as well as the danger posed by anti-personnel mines and the explosive remnants of war. We also deplore the continued targeting of civilians in many parts of the world, the indiscriminate use of force and the use of civilian populations as human shields.

All parties to a conflict must respect their obligations under international humanitarian law, in particular the principle of proportionality and the principle of distinction between civilian targets and military objectives. Furthermore, we call upon all parties to armed conflict to exercise maximum restraint in the use of force, including the choice of weapons, in order to minimize the impact of hostilities on civilians.

The Security Council is called upon to play an important role in ensuring respect for international humanitarian law and compliance by all parties to an armed conflict. It must respond firmly, systematically, consistently and promptly to prevent violations of international law and to protect civilian populations in all situations without distinction. That also includes creating the conditions conducive to rapid and unimpeded delivery of humanitarian assistance while ensuring the safety of humanitarian personnel.

We also recognize the importance of including the protection of civilians as a component of peacekeeping mandates, as well as clear guidelines and rules of engagement for their effective implementation, without prejudice to the primary responsibility of the host Government to protect civilians. More substantial interaction between the Security Council, the Secretariat, the host country and the troop-contributing countries can also contribute to bridging the gap between the decision-making process and actual implementation on the ground.

In addition, it is also fundamental to address other major constraints faced by peacekeeping operations such as resources, equipment and pre-deployment training. We look forward to reviewing and discussing the findings of the upcoming and soon-to-be-published independent study of the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on the implementation of protection of civilians mandates in peacekeeping operations.

The respect for and implementation of international humanitarian law are inextricably linked with the fight against impunity. Ending impunity for violations of applicable international humanitarian law and human rights law should be viewed as part of a comprehensive approach to the quest for sustainable peace, justice, truth and national reconciliation. There must be a concerted effort to cooperate with national judicial systems in order to build their capacity and to ensure that perpetrators are brought to justice and prosecuted in conformity with international standards.

Restoring the rule of law, security sector reform and transitional justice mechanisms are also key areas in which national systems should be strengthened and supported through enhanced international cooperation. The International Criminal Court (ICC) and various "mixed" courts and tribunals play an important complementary role in prosecuting persons suspected of international crimes. It is of the utmost importance that national and international criminal justice institutions receive all necessary support on the ground.

The Human Security Network takes note with interest of the January 2009 establishment of the Security Council Expert Group on the Protection of Civilians and the recommendations made in the Secretary-General's report to hold regular meetings of the Group in advance of the establishment or renewal of peacekeeping mandates.

As I said at the outset, this year marks the tenth anniversary of the inclusion of the theme of the protection of civilians on the Security Council agenda. The Human Security Network supports the call made by the Secretary-General in his report to seize the opportunity of the open debate in November to reinvigorate the Council's commitment to the protection of civilians.

I would like to conclude by making also a few remarks in my national capacity on two issues that we consider fundamental for more effective protection of civilians in situations of armed conflict.

First, with regard to the challenge of ensuring compliance with international humanitarian law by non-State armed groups, we believe it is necessary that affected States allow a more systematic protection dialogue between humanitarian organizations and such groups. We are aware that such dialogue depends on the military reality on the ground, that it cannot prejudge the legal status of the non-State parties involved in these situations and that it must be in accordance with the core humanitarian principles of impartiality, humanity, neutrality and independence. However, we believe that the conclusion of special agreements or arrangements such as humanitarian zones, humanitarian corridors or days of tranquillity is crucial to reduce the number of civilian casualties and people affected by the conduct of hostilities.

In addition, promoting understanding of the responsibilities of armed groups towards civilians and seeking their adherence to those responsibilities are elements that are important for the success of protection strategies in many conflict situations. The vast experience of humanitarian organizations, such as the International Committee of the Red Cross, in engaging with various armed groups, has demonstrated the potential benefits of such a dialogue for the civilian population. In this regard, as suggested in the report of the Secretary-General, we support the organization of an Arria formula meeting to discuss the experience of the United Nations and non-governmental organizations, as a first step towards developing a more comprehensive approach towards non-State armed groups.

Finally, I want to stress the need to improve the early warning and rapid response capacity of the Security Council with respect to any situation that could represent an imminent danger to the safety, security and well-being of civilian populations. We agree with the report that pre-emptive action can significantly contribute to that end and that the Council should make use of all the tools at its disposal, including punitive measures, to prevent the escalation of hostilities in situations such as the recent crises in Gaza and Sri Lanka. The Council's credibility depends on its willingness to give equal treatment to the protection of civilians in all situations, even those not formally included in the Council's agenda.

Mr. Ripert (France) (*spoke in French*): I wish at the outset, Mr. President, to thank you for this opportunity to address once again the question of the protection of civilians in armed conflict. We welcome the Secretariat's ongoing commitment to this matter, and in that regard I thank Mr. John Holmes for introducing the report of the Secretary-General (S/2009/277) and, in particular, for the tireless work of the Office for the Coordination of Humanitarian Affairs (OCHA), in particular its work on the ground to help the victims of disasters and catastrophes.

France endorses the statement to be made by the representative of the Czech Republic on behalf of the European Union.

We have just marked the 150th anniversary of the Red Cross and will soon be commemorating the sixtieth anniversary of the Geneva Conventions. Yet despite the commitment of the international community and the mobilization of the Security Council, violations of international humanitarian law are increasing in number and in gravity.

For France, respect for international humanitarian law is not negotiable. As President Sarkozy recalled on 4 May, on the ninetieth anniversary of the International Federation of Red Cross and Red Crescent Societies, all parties to armed conflict, States and armed groups alike, must respect such law. That obligation is not subordinate to the imperatives of combating terrorism; nor is it conditional on respect for such law by other parties. We reaffirmed that principle at the time of the offensive of the Sri Lankan army against the Liberation Tigers of Tamil Eelam, as we do with respect to the fight against terrorist and extremist movements in Afghanistan, Pakistan and the Philippines. The Council could and should intervene more strongly to translate that principle into reality.

By calling for the 29 January debate on respect for international humanitarian law, France wished to initiate a process. We are pleased today that the Secretary-General has decided to consult with members of the Security Council with a view to making recommendations for action at our next open debate on the subject.

Protection mandates for peacekeeping operations clearly are among the means for action at the Council's disposal. In the most recent review of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), protection of civilians was given top priority for the Mission. Since then, the Mission has made efforts to carry out that task more effectively, by seeking greater mobility and scope for reaction by its troops, deploying joint military-civilian protection units and establishing pilot rapid response projects. It has set up a high-level human rights protection team. If such measures prove satisfactory, they could be extended to other United Nations missions.

In Southern Sudan, we call on the United Nations Mission in the Sudan (UNMIS) to continue and expand its efforts to prevent ethnic confrontation and, when it arises, to minimize its consequences. I join our Japanese colleague in recalling that the responsibility to protect civilians lies first and foremost with Government authorities. A peacekeeping operation can act when it those authorities fail to do so or it can support their action, but that by no means diminishes the primary responsibility of the States that host such operations.

We welcome progress in the joint study commissioned by OCHA and the Department of Peacekeeping Operations on the protection of civilians in peacekeeping operations. We participated in financing it. We hope that the outcome will be presented to the Security Council and that it will be followed up in the more general context of our deliberations on peacekeeping missions.

Protection of civilians is a crucial element of the initiative we have launched jointly with the United Kingdom. Preliminary work is under way in the Working Group on Peacekeeping Operations under the chairmanship of Ambassador Takasu of Japan, to help us better understand the difficulties in implementing complex mandates. An initial progress report on the French-United Kingdom initiative should be issued in August.

Never have so many humanitarian personnel been deployed on the ground, yet never have there been so many constraints on their activities. States have the responsibility to ensure safe and unimpeded access for humanitarian personnel, international organizations and non-governmental organizations and for their supplies and equipment. We welcome the inclusion in the report of the Secretary-General of an annex on constraints on humanitarian access. We hope that in future reports that general annex will be supplemented with information on country-specific situations. We reiterate our request that such reports deal specifically and in a detailed manner with the question of protection of civilians.

We welcome the meeting of the Expert Group on the Protection of Civilians in Côte d'Ivoire, Afghanistan and the Sudan. There will soon be a discussion on the adequacy of the mandate of the African Union-United Nations Hybrid Operation in Darfur for the protection needs in Darfur. In order to make effective use of the aide-memoire (S/PRST/2009/1, annex) on the protection of civilians that we adopted in January, the Expert Group must monitor the growing needs of civilians on the ground on a more regular basis during the mandate. Its discussions must also be held sufficiently in advance of the negotiations drawing up the mandates, so that the conclusions can be integrated into them.

Lastly, women and children deserve special attention. The Security Council Expert Group on the Protection of Civilians could broach the issue of follow-up of Security Council resolutions 1325 (2000) and 1820 (2008) in order to ensure better implementation on the ground.

Effective protection of civilians clearly entails a resolute fight against the culture of impunity. The allegations of violations of the international humanitarian law must be the subject of an impartial and independent inquiry. Those investigations should involve all parties. The Gaza conflict showed that. In that region of the world, as elsewhere, all civilians, whether Palestinian, Israeli or other, must be protected.

States must try and punish those who violate international humanitarian law and human rights law. In the Republic of the Congo, for example, that means in-depth reform of the security, legal and prison systems. Failing that, international criminal law must be able to try the most serious crimes, and the Democratic Republic of the Congo's cooperation in that regard is exemplary.

France calls on all States to adhere to the Rome Statute and to cooperate with the International Criminal Court. Arms and submunitions do unacceptable damage to civilian populations. A draft law is being considered by the French Parliament to authorize the ratification of the convention adopted in Oslo. France is also at the forefront of the movement to attain a robust and binding arms trade treaty that will take full account of the requirements of international humanitarian law.

To conclude, I would like to underscore that, while the General Assembly prepares to debate the responsibility to protect, it is urgent to make that concept operational. It is an ambitious concept, and it is not solely a matter of the Security Council intervening in mid-crisis to stop the most atrocious crimes, which we are all, of course, determined to do. Above all, we must act in advance to avert those crimes and to strengthen the early-warning and monitoring systems in the risk areas. France will not spare its efforts to achieve a consensus on that point in the next few months.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): We are grateful to the Secretary-General for the report (S/2009/277) and to Mr. Holmes for the updated information on the issue of the protection of civilians in armed conflict.

The Council has now been considering the topic for 10 years. In that time, we have managed to make considerable progress in the humanitarian sphere, but, unfortunately, as was noted in the report, the civilian population still suffers the majority of the casualties in conflicts, and that fact remains a burning issue for the international community. We are convinced that, to correct the situation, we need in particular to refrain from selective approaches to violations of international humanitarian law and to adhere to a strict observance of the lawful norms of protection.

We fully agree with the conclusions of the Secretary-General on the increased danger for the civilian population of the violation of the requirements of selective and proportionate use of force and on the need to condemn such breaches without exception. A sad example in that regard, was the death of some 150 civilians, most of whom were women and children, in Afghanistan as a result of air strikes by foreign forces on a populated area in May this year. Clearly, the United Nations Mission of Assistance in Afghanistan did not learn its lesson from the sad statistics on the death of more than 800 Afghan civilians in 2008. We support a careful investigation of such incidents and punishment of the perpetrators. We call on the interested parties to inform the Security Council of their efforts.

We emphasize the responsibility of all parties, including foreign forces, to ensure the security of civilians and the strict observance of the norms of international humanitarian law. Like the Secretary-General, we express our concern about the death of civilians owing to the actions of private military and security companies. Their share of the responsibility must be borne by the people who recruit them.

We believe that the contact of humanitarian organizations with non-State armed groups can be established only with the consent of the Government of the relevant States. Moreover, the practice of such contacts must be approached with great caution so as not to legitimize existing outlawed units. We believe that it is unacceptable to consider terrorist organizations, especially the Taliban and Al-Qaida, as some sort of armed opposition groups with which one could allegedly conduct a dialogue on humanitarian matters.

For additional clarification, we need a recommendation vesting investigation committees with the mandate to study specific situations. In our view, the status and competence of such committees would need to be specified.

We vigorously condemn attacks on humanitarian personnel. We support the need to ensure unimpeded humanitarian access to the affected population. At the same time, we emphasize that humanitarian work must

be conducted on the basis of the principles of impartiality, neutrality and humanity.

In that regard, we have noted that, in the annex to the report, we find the example of the situation in the Caucasus after the events of August 2008. We are grateful to the Secretary-General for the positive assessment of Russia's actions to provide humanitarian assistance in the region. We express our concern that the Georgian legislation on the so-called occupied territories is, in fact, hindering international humanitarian work in South Ossetia.

Early-warning and war- and conflict-prevention systems provide the basis for protecting civilian populations. In that regard, the international community must seek scrupulous observance by all parties of international law and the relevant decisions of the Security Council.

Mr. Mayr-Harting (Austria): At the outset, Mr. President, let me thank you for organizing this debate and Under-Secretary-General Sir John Holmes for his important briefing, as well as for the constant commitment of Office for the Coordination of Humanitarian Affairs in this area. Austria associates itself with the statement to be delivered by the representative of the Czech Republic on behalf of the European Union, as well as with the statement made by the representative of the Costa Rica on behalf of the Human Security Network.

Over the past 10 years, the Council has developed a comprehensive protection agenda, imposing clear obligations on parties to conflict and providing a toolbox for Security Council action. The issues addressed include compliance by parties to a conflict with their obligations under international humanitarian law, unhindered access for humanitarian organizations to people in need, accountability for serious violations against civilians, and the protection of civilians through peacekeeping missions. Austria is a fervent supporter of that protection agenda, and we stand ready to contribute to its implementation.

We welcome the Secretary General's report (S/2009/277) before us that identifies the major challenges that we are facing in the implementation of the protection of civilians agenda. The report provides an excellent basis for our further work. Let me also welcome the access annex attached to the present report. More specific reporting on access constraints will enable the Council to react in a more effective way.

Systematic attention needs to be paid to protection concerns in the daily deliberations of the Council. Therefore, Austria welcomes the establishment of the Security Council Expert Group on the Protection of Civilians, which has already demonstrated its usefulness in better addressing protection concerns. We hope that the Council will make full use of the potential of this innovative mechanism.

More consistent and comprehensive reporting on protection issues in the Secretary-General's regular reports would enable the Council to act more systematically regarding the protection of civilians, and particularly of women and children. The aide-memoire on the protection of civilians (S/PRST/2009/1, a offers a very good framework in this regard. Also, the challenges identified in the Secretary-General's report should receive particular attention.

The question of how to enhance the protection of civilians through peacekeeping operations has been identified as a major challenge. In recent years, several peacekeeping missions have been mandated by the Council to ensure the physical protection of the civilian population. Indeed, its mandate to provide protection to refugees and internally displaced persons was a strong factor in Austria's decision to contribute troops to the European Union Force in Chad and the United Nations Mission in the Central African Republic and Chad (MINURCAT).

Austria has also contributed to the independent study commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, which seeks to analyse the experiences so far in the implementation of such protection mandates in peace operations. We look forward to discussing the findings and recommendations of that study. It is our hope that they will contribute to the overall reform efforts of United Nations peacekeeping and to the further strengthening of the protection agenda of the Council. Our aim must be to have more effective and better resourced peacekeeping missions that are in a position to implement their protection mandates in a credible and consistent manner. Let me add that the recent mission of the Security Council to the Democratic Republic of the Congo gave us a very good opportunity to observe at close range the complexities that United Nations peacekeeping missions and troop-contributing countries may face in the implementation of their mandates.

That is why we applaud the recent positive developments in several peacekeeping operations, in particular the United Nations Organization Mission in the Democratic Republic of the Congo, such as the adoption of a comprehensive strategy to combat sexual violence and the decision to give clear priority to the protection of the civilian population. From our point of view, the task assigned to MINURCAT of strengthening national police capacities in Chad is another important positive development. We need to take the lessons from such experiences and see how they can be applied to other missions.

Ensuring better compliance of parties to conflict with international humanitarian law has already been rightly identified by many speakers as another area requiring priority attention. This is a particular problem with regard to many non-State actors. The Council needs to continue consistently to call for compliance by all parties to a conflict and to ensure investigations in cases of alleged violations and consequences for non-compliance. We welcome the experiences gained by the United Nations in negotiating with parties to a conflict, in particular non-State actors, in order to improve humanitarian access and compliance with international humanitarian law. Important efforts have also been undertaken to secure commitments from non-State actors to stop the recruitment of child soldiers and to end the use of landmines.

The Security Council should further contribute to strengthening the rule of law by supporting criminal justice mechanisms and other mechanisms for accountability and by affirming its opposition to impunity. Fighting impunity should be seen as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation. More efforts are needed to strengthen national systems in order to build their capacities to ensure that perpetrators are brought to justice and that victims are granted an effective remedy.

A further issue that needs urgent attention from the Security Council is the vulnerability of civilians in relation to the abundance of weapons, mainly small arms and light weapons. Austria also welcomes the emphasis placed by the Secretary-General on the devastating humanitarian consequences of weapons with area effects, such as cluster munitions. The victims and survivors of these weapons need special attention and protection. The provisions on victim assistance in the new Convention on Cluster Munitions comprehensively address the immediate concerns of victims. In our view, this should become the new international standard for victim assistance. Austria calls on all States that have not yet done so to sign and ratify the Convention as soon as possible.

This year marks the tenth anniversary of the Security Council's first consideration of the protection of civilians in armed conflict. This anniversary provides us with a good opportunity to take stock and to reaffirm our commitment to protecting civilians from the devastating effects of armed conflict, as emphasized by the Secretary-General in his report.

In response to this call of the Secretary-General, Austria is therefore planning to organize a debate of the Council, on the occasion of the tenth anniversary, during its presidency of the Council in November. Austria's Foreign Minister, Mr. Michael Spindelegger, has a strong personal commitment in this area and therefore intends to preside over that important meeting personally. The aim of the debate should be to identify a set of concrete measures to address current challenges in the protection of civilians. We look forward to working with all interested delegations and the Secretariat towards this goal.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I thank you, Sir, for having organized this important debate. I also thank Mr. John Holmes for his objective briefing today.

In 2005, the World Summit endorsed the principle of the responsibility of protect civilians against the carnage of war, war crimes, ethnic cleansing and crimes against humanity. The Summit affirmed that the principal responsibility to protect their citizens lies with the States concerned, and that the international community is responsible for assisting them in that task, as is the Security Council through its resolutions, in particular resolution 1674 (2006). That affirmation has allowed us to identify measures to protect civilians in armed conflict. Such measures must, however, be strictly implemented.

Despite the progress that has been made in the codification of international humanitarian law and in the adoption of general principles on the protection of civilians in armed conflict, the international community can hardly be pleased with the inadequacy of that progress at the practical level. The lack of progress is a source of great concern and, in some case, of disappointment. A large gap has opened between our

words and our deeds. The number of casualties in armed conflict, including under foreign occupation, has not declined, and no one can doubt the suffering of the victims of armed conflict, famine, torture and similar types of prohibited behaviour, sexist and sexual violence, violence against children, the recruitment of children, human trafficking, the problem of refugees, internal displacement and lack of access to humanitarian assistance.

A living example of this is the Gaza Strip, where 1.5 million Palestinians are deprived of all the basic needs of life and of humanitarian assistance, including United Nations assistance. Gaza has become a large prison that one cannot get out of or into. The Israeli occupying authorities are not satisfied with that but have conducted military actions against Gaza for 22 consecutive days. The authorities used all means of destruction, including internationally prohibited weapons — white phosphorous most specifically. The Israeli authorities struck at everyone; they did not discriminate among civilians and military. The Israeli occupation deliberately targeted civilian installations — schools, hospitals, United Nations infrastructure, property. We all know that record, and United Nations officials have been clear in this regard.

More than 1,300 martyrs have been noted, more than a third of them children, and more than 5,300 people have been wounded. This is in addition to the almost total destruction of infrastructure in Gaza and of more than 24,000 buildings or living units.

In today's world, States and groups are murdering civilians in ways that appear deliberate or are adopting strategies that are probably going to be targeting civilians. We would recall that wars have been launched on behalf of counter-terrorism or in so-called self-defence, to the detriment of the rules and principles of international humanitarian law. The majority of casualties have been civilians. This applies to the Israeli aggression in Lebanon in 2006 and to the war in Iraq, as well as the invasion of Afghanistan.

We should not forget the victims of internal conflicts. For example, the majority of the population of Somalia have been victimized, become refugees or homeless, are hungry and without the basic necessities of life. In the eastern part of the Democratic Republic of the Congo, civilians are still suffering from daily violence and violation of their rights and from armed conflicts. The list is long. Everyone knows that list, so I do not need to repeat it.

The international community, represented mainly by this Council, not only has the right to take measures but has the responsibility to act if the parties directly concerned have not managed to protect civilians or have shown a lack of will to do so, or if it is proven that the parties in question are the aggressors. We do not understand how the Security Council would remain mute, would not go after the perpetrators of war crimes — the Israelis, especially for the crimes committed in Gaza, crimes that have been proven and reaffirmed in the summary of the investigation group established by the Secretary-General to look into the damage and losses to United Nations facilities in Gaza. It was published, but no measure was taken in this area, for a very simple reason: States that have the right of veto in the Council want the aggressor to be above the law and not to be subject to accountability.

We are awaiting the results of the investigation by the group that was established by the Human Rights Council to investigate the crimes committed in Gaza. We hope the international community will take measures on the basis of those results.

Thousands of Palestinians have been killed or wounded in Gaza without any mercy. Everyone has seen it. The international community has seen it. Internationally prohibited weapons were used against civilians. Justice demands that the perpetrators of those crimes be pursued by the International Criminal Court. The Security Council must understand that this is extremely important for its credibility.

This debate should be important and effective. Civilian protection is a problem that needs to be managed according to a comprehensive approach, and we must see the causes and effects. In this area we must reaffirm these matters.

First, we need to pay special attention to preventing armed conflicts and the expansion of armed conflict. This requires internationally coordinated efforts to deal with the hunger, poverty and injustice that victimize many populations throughout the world. We need to reactivate preventive diplomacy and come up with early warning mechanisms to prevent conflicts and the expansion of conflicts.

Secondly, we need to promote the protection of civilians as a priority of United Nations peacekeeping

operations. It falls under resolution 1674 (2006). These missions must have the means and resources that will enable them to carry out their missions.

Thirdly, the Security Council must be able to take measures in a balanced and transparent way, and not according to double standards. Everyone must comply with their accountability and punishment obligations. We must prevent violations of international humanitarian law.

Fourthly, we must prohibit the production of certain weapons whose victims are mostly civilians, especially cluster munitions. The use of cluster munitions has created many casualties, especially after military conflicts have ended.

Fifthly, we reaffirm the importance of implementing the proposals contained in paragraphs 37, 59 and 60 of the report of the Secretary-General. I reaffirm the importance of those paragraphs.

This Council has been clear, in its resolution 1674 (2006) regarding humanitarian access without any impediments for people who need such assistance. The Council needs strict measures for access to civilian populations and for staff access to those people. That, in turn, requires the opening of crossing points on the part of Israel to allow the free flow of individuals, goods and funds from and into Gaza. The opening of those passage points is necessary to take into consideration the needs of the blockaded population and is extremely important for rebuilding and for erasing the traces of the Israeli aggression.

We hope that these discussions will be successful and that we will take the necessary measures, because this question is extremely important for humans and human dignity.

Mr. Rugunda (Uganda): We welcome the report of the Secretary-General and the briefing by Mr. Holmes, the humanitarian coordinator.

We would like to thank you for organizing this debate, Mr. President. This report of the Secretary-General comes on the tenth anniversary of the first consideration by the Security Council of the protection of civilians in a thematic debate on this issue. It is deplorable that civilians still account for the vast majority of casualties and continue to be targeted and subjected to indiscriminate attacks and other violations. However, civilians continue to be victims of targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilations, hunger, disease and loss of livelihood.

Over the past 10 years, the Security Council has received several reports and adopted several presidential statements and resolutions with specific attention given to the protection of civilians. While such developments are commendable, they are of limited value if they do not translate into concrete improvements in the protection of civilians on the ground. We need to commit ourselves to practical action and a clear path from policy statements to actual implementation on the ground. We need to move to forward and develop a more systematic approach to protecting civilians and ensuring that there is sustainable support for civilians even after the conflict has ended.

The inclusion of protection activities in the mandates of peacekeeping missions, such as the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), was a significant action by the Security Council. Furthermore, over the years, the Security Council has taken important steps to improve protection for specific groups, such as women and children. The Security Council has also endeavoured to enhance protection for refugees and internally displaced persons by mandating peacekeeping missions to protect camps and other sites from armed attacks and to maintain their civilian and humanitarian character by supporting the disarmament and separation of combatants.

However, there is need for a common understanding among United Nations Member States about what peacekeeping missions should be mandated to do and what they should not do. Questions — such as the degree of robustness of modern United Nations peacekeeping, how protection-of-civilian mandates can best be implemented or what other peacebuilding tasks should be undertaken by United Nations peacekeepers and for how long — need to be answered. These peacekeeping activities require a strong consensus among contributors of troops, police and other personnel as to what extent the personnel who are required through a mandate should be guided.

The proliferation and fragmentation of non-State armed groups has contributed to the increasingly asymmetric nature of conflicts. We have seen this in a number of trouble spots, such as Somalia. This has a profoundly negative impact on civilians, as armed groups have sought to overcome their military inferiority

by using strategies that flagrantly violate international law, including attacks against civilians and the use of civilians to shield military objectives. Although these armed groups are bound by international humanitarian law and must refrain from committing acts that would impair the enjoyment of human rights, we know that for some groups, such as the Lord's Resistance Army, attacks and the commission of other violations against civilians are deliberate strategies intended to maximize casualties, intimidate the population and destabilize communities. All of that must stop.

As partners, it is critical that Member States support or at least not impede efforts by other parties, such as religious groups, traditional leaders and civil society organizations, to engage armed groups in order to seek improved protection of civilians. However, the reality is that many times this engagement proves futile. When such efforts fail, alternatives must be considered which should not be restricted to systematic condemnation of violations committed by armed groups and demands to comply, together with the application of targeted measures.

While the Security Council has indicated its intention to ensure that mandates include clear guidelines as to what missions can and should do to protect civilians, this clear direction from the Council should be informed by a realistic assessment of what is on the ground following consultations with the Secretariat, troop and police contributors, other stakeholders, regional organizations and, more especially, countries that are affected in the regions where there may be conflict. Currently, there is a disconnect between mandates, intentions, expectations, interpretations and real implementation capacity because of some of these omissions. However, this assessment should take place within a broader policy framework that includes clear direction as to possible courses of action, including in situations where the armed forces of the host State are themselves perpetrating violations against civilians, as well as regarding the tasks and capabilities needed for implementation. The question of States and State troops violating civilian rights is a common feature, as demonstrated in the recent field visit by the Security Council mission.

The report provides pertinent recommendations premised on the overriding need to enhance compliance and accountability in conflict, that is, compliance by all parties to conflict with the applicable law with the and demands and decisions of the Security Council. For our part, we want to underscore two of them which we consider critical in the protection of civilians and for achieving sustainable peace.

First, renewal of peacekeeping mandates should ensure that relevant protection concerns and possible responses are incorporated in the Council's actions. Secondly, the timely deployment in relevant situations of peacekeeping missions with robust protection mandates to ensure the protection of civilians on the ground should occur in collaboration with other key players, such as countries in the region and countries affected by the conflicts.

Finally, the protection of civilians does not stop with the end of hostilities. Ensuring that civilians receive needed humanitarian assistance, rehabilitation and reconstruction is key for sustainable peace, sustainable security and sustainable development.

Ms. DiCarlo (United States of America): Let me begin by thanking you, Mr. President, for organizing this meeting. I would also like to thank Under-Secretary-General Holmes for his briefing, as well as the Secretary-General for his comprehensive report (S/2009/277).

As other speakers have noted, this year marks the tenth anniversary of the first Security Council debate on the protection of civilians in armed conflict. In his report, the Secretary-General cites some encouraging actions that the Council has taken over that decade, but he also lays out the many challenges that still lie ahead if the international community is to take the steps necessary to protect civilians and translate the Council's actions into concrete improvements on the ground. The Secretary-General has made several recommendations that the Council should review carefully in order to be able to better promote the protection of civilians in armed conflict worldwide.

Civilian protection must be a core principle in all military operations. The United States understands that protecting civilians is a vital priority. In Afghanistan, while Taliban and Al-Qaida forces deliberately employ tactics designed to increase the number of innocent civilian deaths, the international coalition continues to fight those Taliban and Al-Qaida forces with as few civilian casualties as possible. We deeply regret every innocent civilian life that is lost. United States forces serving in Afghanistan operate under rules and orders designed to minimize civilian casualties. We will continue to review them to improve their effectiveness.

As Secretary of Defense Robert Gates said recently, we are making reduction of civilian casualties in Afghanistan a priority. The new commander of the International Security Assistance Force has made it clear that he will move quickly to implement that priority.

The United States believes that all nations must abide by international humanitarian law. We are determined to act to prevent violations of international humanitarian law and committed to working with the international community to defeat violence in a manner consistent with our values, legal obligations and ideals.

At the 2005 World Summit, Member States reached a mutual understanding that all nations have the responsibility to protect their civilian populations and that the international community has the responsibility to protect civilians when States are unwilling or unable to do so. The Security Council reaffirmed that commitment in resolution 1674 (2006). The Council has taken that principle into account, in part, in its actions on the Sudan and the Democratic Republic of the Congo.

Resolution 1674 (2006) also reaffirmed another principle, namely, that ending impunity for violations of international humanitarian law is essential if a society is to come to terms with its past, prevent future abuses, establish accountability and promote reconciliation. International and hybrid tribunals have been successful in prosecuting crimes that involve violations of international humanitarian law. But as the Secretary-General rightly points out in his report, to truly end impunity we must help to establish functioning national judicial systems so that criminals may be tried locally and senior leaders can be held responsible for atrocities committed in their own countries.

We must take special note of the most vulnerable populations in conflicts, including women and children. In the Democratic Republic of the Congo, sexual violence is widespread and sometimes used as a weapon of war. We must redouble our efforts to address the issue in all of its aspects, from prevention measures that include efforts to change attitudes about the status of women, to the treatment of victims and to better accountability for perpetrators. In that regard, we look forward to the Secretary-General's report on the implementation of resolution 1820 (2008), which deals with women, peace and security. The Council must ensure that the provisions of that resolution, especially those related to sexual violence, are implemented and that there are clearly understood consequences if individuals, including peacekeepers and relief workers, are themselves found guilty of such crimes.

The compulsory recruitment of children as soldiers is, sadly, still a reality. In armed groups such as the Lord's Resistance Army and in a number of countries, children continue to be exploited in that awful manner. Now that the fighting has ended in Sri Lanka, we are beginning to identify children who were forcibly recruited into the Liberation Tigers of Tamil Eelam.

We have witnessed too many instances in recent months in which Governments and armed groups have not allowed sufficient access to vulnerable populations. The Secretary-General's report makes 15 specific recommendations to address this issue. It includes an annex detailing constraints on humanitarian access. We are certain that the recommendations and annex will become a useful tool in helping to ensure civilian well-being.

In several instances, peacekeeping operations have been asked to take on more robust mandates that include the protection of civilians as a priority. But we must ensure that peacekeepers have properly defined and realistic mandates and the appropriate skills and resources to fulfil their missions.

The Secretary-General's report states that a protection-of-civilians mandate in peacekeeping missions remains largely undefined, as both a military task and as a mission-wide task. Given that conclusion, we look forward to the upcoming study by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on how best to put into actual practice guidelines for protecting civilians. We hope that the study will also provide guidance that will help the members of the Security Council when we consider renewing the mandates of specific missions.

Finally, let me thank and commend the men and women of United Nations agencies and non-governmental organizations whose dedication to the cause of protecting civilians amid crisis and strife is critical to our ultimate success.

Mr. Kafando (Burkina Faso) (*spoke in French*): We thank you, Sir, for having convened this debate on the protection of civilians in armed conflict. Given that the Council is once again taking up this question in the

course of six months, the importance of the issue is evident. We also thank Under-Secretary-General John Holmes for his briefing on this matter.

Despite the recommendations emanating from the debate held in January 2009 on the protection of civilians in armed conflict, civilian populations unfortunately continue to be the victims who suffer the most in conflicts — sometimes due to deliberate acts and often through such heinous and barbaric acts as sexual violence, assassination, suicide attacks, massacres of entire populations and the use of sophisticated weapons. All of that takes place in violation of international humanitarian law, Security Council resolutions and other relevant international legal instruments, as well as without regard for the principle of the responsibility to protect, which was adopted by the United Nations in 2005.

Parties to conflict should therefore be reminded of their obligations to respect the provisions of the Geneva Conventions and their two Additional Protocols, especially that which establishes a clear distinction between civilians and combatants. As parties to armed conflict, non-State actors are under the same obligations to protect civilians. It is therefore crucial that such groups be fully aware of their responsibility.

In addition, we agree with the Secretary-General that it is important to maintain an ongoing dialogue with such groups in an effort to educate them as to existing legal norms, while avoiding the perception that doing so legitimizes their existence. That approach has already made it possible to convince some armed groups to release child soldiers.

Because the protection of civilians is a multifaceted undertaking, the scope of peacekeeping operations has been expanded to take into account concerns associated with fully protecting civilians. Nevertheless, in order to increase efficiency and eliminate persisting ambiguities in peacekeeping operations, it is important that the Security Council set out realistic and robust mandates that include clear rules of engagement. That task is both a challenge to and a responsibility of the Security Council and troop-contributing countries. In that regard, we await with great interest the completion of the joint independent study on the implementation of the mandate to protect civilians, which is being carried out by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations with the purpose of making a contribution to better addressing the issue of protecting civilians in armed conflict.

Protecting civilians also means ensuring that there are no obstacles to humanitarian access, as so aptly noted in the annex to the Secretary-General's report (S/2009/277). We condemn all such restrictions.

The protection of civilians in armed conflict is a collective and shared responsibility that requires all concerned parties to display true political will and firm commitment. However, States bear the primary responsibility for this and must take all measures necessary to create an enabling security environment and to meet the fundamental needs of civilians, displaced persons and refugees. This involves strict respect for the principles of international humanitarian law, in particular by facilitating the delivery of humanitarian assistance and ensuring respect for the humanitarian nature of camps for refugees and internally displaced persons. The protection of humanitarian personnel must therefore also be fully ensured as they struggle side by side with populations in distress, sometimes even giving their own lives.

To strengthen the protection of civilians, we believe that creation of national complaint mechanisms, together with the total independence of the judicial systems to which victims have access, could also contribute to efforts to combat impunity, which is unfortunately still thriving. Subregional, regional and international organizations must also shoulder their responsibilities in this area, while fully respecting States' sovereignty and territorial integrity.

With regard to the Security Council, as the guarantor of international peace and security, it must contribute to strengthening the rule of law and ensure the implementation of existing judicial mechanisms, such as the International Criminal Court, with complete impartiality and in accordance with the fundamental principles of the United Nations Charter and human rights.

As weapons are the root cause of the tragedies, atrocities and horrifying events witnessed in armed conflicts, we encourage all States to join the efforts under way to draw up and adopt an arms trade treaty.

Finally, the Council is duty-bound to ensure the implementation of the various arms embargos stipulated in the context of the Council's own sanctions.

Mr. Parham (United Kingdom): Allow me to begin by thanking the Under-Secretary-General for his briefing, the Secretary-General for his report (S/2009/277) and you, Mr. President, for convening this meeting. I would also like to confirm our support for the statement that will be made by the representative of the Czech Republic on behalf of the European Union.

The tenth anniversary of the Council's first decisions on protecting civilians is an important moment to take stock and to identify the current obstacles to work on this issue. We welcome the fact that humanitarian access is given particular profile in the report's annex, as well as the quality of the evidence presented. We hope that the report's five core challenges will provide a coherent framework for the consistent inclusion of information on protection issues in the Secretary-General's reports on country situations.

We share the Secretary-General's view that there is still insufficient accounting and redress for violations of international humanitarian law. We believe that this Council should be ready to address flagrant and widespread violations committed against civilians, even when they take place in situations of internal armed conflict.

Allow me briefly to mention a few of our concerns in the context of specific country situations.

In Burma, civilians are caught up in the conflict between the Government and ethnic groups. This was most recently highlighted by the flight of thousands of Karen people to Thailand, following the violence along the border. The Burmese Government must fulfil its responsibilities under international humanitarian and human rights law and begin an inclusive political dialogue that can lead to national reconciliation in its country.

In Sri Lanka, the priority now is to ensure that the immediate needs of internally displaced persons in the camps are met. While we recognize the steps that have already been taken by the Government, there must be unhindered access for the United Nations and international humanitarian aid agencies. Further efforts are also needed to ensure steady progress in the political process towards national reconciliation. We welcome the commitments entered into by the Government of Sri Lanka to address a number of post-conflict issues, including the need for an accountability process to address violations of international humanitarian law and the grievances associated with them. We expect these commitments to be fulfilled.

The Under-Secretary-General and some delegations have mentioned the situation in Afghanistan. Let me be clear that we deeply regret incidents in which civilians are killed as a result of actions by international forces. We have strict procedures and training regimes, frequently updated in the light of experience, intended both to minimize the risk of civilian casualties and to investigate any that do nevertheless occur. We intend to remain at the forefront of United Nations discussion and activity to ensure that the protection of civilians in Afghanistan remains high on the political agenda.

As we noted in the debate on international humanitarian law held in January (see S/PV.6066), the Security Council must find new and better tools to follow up on our decisions and ensure that international humanitarian law is fully implemented and enforced in specific conflicts. The report rightly underlines the importance of supporting accountability measures at the national level. But we must also consider international accountability mechanisms to combat impunity, including referral to the International Criminal Court where appropriate. United Nations engagement with non-State actors presents an opportunity to embed an understanding of obligations under international humanitarian law without granting recognition or status to those parties. This is an opportunity that is too often missed.

We look forward to seeing the results of the independent study which has been commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs on the implementation of protection mandates. It will be important for this Council to consider that report carefully as part of continued consultations between now and November. We sincerely hope that the General Assembly will consider that report too. We also support the Under-Secretary-General's suggestion of an Arria formula meeting focused on the experience of engaging armed groups. These meetings can be very valuable, as was, we believe, the Arria formula meeting we held earlier this week on the harrowing and pressing subject of sexual violence.

Deployed military contingents are just one part of a larger equation when it comes to peacekeeping missions fulfilling their protection mandates. To date, we have relied on the flexibility of military actors, but

no military in the world has a comprehensive doctrine on how to undertake the protection of civilians. Nevertheless, the outstanding protection work that United Nations peacekeeping personnel are creatively doing in the field provides many examples of good practice. Where individual missions have protection strategies and plans of action, we would like to see more detail about them in country reports.

We should also make use of existing mechanisms to deal with these substantial issues. Like Ambassador Mayr-Harting, we are encouraged by the work of the informal Security Council Expert Group on the Protection of Civilians thus far. We have some ideas on how to enhance the format, for example by improving the timeliness of the Group's inputs to Council deliberations and the format and quality of documentation for the Group.

An inherent part of the initiative on peacekeeping, which we are pursuing with our French colleagues, is the improvement of the information upon which the Council bases its decisions on mission mandates. We acknowledge that there has been at least a perceived disconnect between protection language in mandates and what is realistically achievable in the field. We must work harder to achieve consensus on the extent and feasibility of protection activities.

Finally, we would like to see the Council show genuine readiness to engage at the prevention stage of the conflict cycle, rather than at the resolution stage. As our Chinese colleague, Ambassador Liu Zhenmin, said earlier, it is important to tackle these issues upstream. This will require the Council to be more receptive to information, more willing to become seized of threatening situations and more ready to take appropriate early action. The United Kingdom stands ready to play its part in this.

The President: I shall now make a statement in my national capacity.

I too thank Under-Secretary-General John Holmes for his comprehensive briefing.

Today a great number of casualties in armed conflict continue to be civilians, and the numbers are constantly increasing. We condemn in the strongest possible terms all deliberate acts against civilians and deaths resulting from the indiscriminate and excessive use of force. The challenge for all of us is to stop such killings and reverse the alarming trend. On this issue, the credibility of the Security Council is also at stake.

Council members will all recall that our debate in January (see S/PV.6066) was held in the shadow of the tragic developments in Gaza. Indeed, what happened in Gaza was a stark reminder of the vulnerability of civilians in times of armed conflict. It also proved once again the need for all parties to respect their obligations under international humanitarian law. That said, Gaza has not been the only case where civilians have faced danger during armed conflict. Indeed, the issue of the protection of civilians has been particularly high on the agenda of the Council during recent years, and especially since the beginning of this year, for we have been witnessing extremely dire challenges in many parts of the world, in terms of providing a safe and secure environment for civilians.

It was in that frame of mind that my delegation studied carefully the recent report of the Secretary-General (S/2009/277), which gives a comprehensive account of the latest situation in various theatres and the difficulties encountered in protecting civilians. The report clearly demonstrates the magnitude of the task incumbent upon all of us to ensure the effective protection of civilians in times of conflict. This should be a collective and multidimensional effort, with the primary obligation and responsibility resting first and foremost with States. Yet the entire international community, including non-governmental organizations and international organizations, has a responsibility to protect civilians.

Almost everything has already been said this morning in terms of what can and what should be done. The Secretary-General's report also offers some useful recommendations, so I will not elaborate any further on those points. However, allow me to highlight one issue of a very sensitive nature that bears the risk of undermining or weakening our efforts if it is not handled carefully. It related to non-State armed groups. Given the inevitable ambiguity of that term and the many different types of entities that fall under the category, we feel that one should be extremely careful in dealing with such groups. This is particularly important as many terrorist organizations attempt to abuse the term and what it entails in their quest to gain international attention and support.

Combating terrorism is both the right and the obligation of every State. Nothing should be allowed to

weaken our resolve to fight that scourge. It is the activities of the terrorist organizations themselves that put the lives of civilians in danger, so international organizations, and non-governmental organizations in particular, should be vigilant in conducting their work in conflict areas and not allow themselves to be exploited by such groups and organizations.

Before concluding, I would also like to stress that, in effect, it is through strengthening the rule of law, human rights, democracy and governance that we can secure the long-term and lasting protection of civilians.

We should also ensure that the perpetrators of violence against civilians are held fully accountable for their actions. They should know that they can run, but they cannot escape, and that they will face justice eventually. The international community has the duty to do more in that direction, including through capacity-building and technical assistance.

I now resume my functions as President of the Security Council.

Before we proceed, may I kindly remind all speakers to limit their statements to no more than five minutes in order to enable the Council to conclude its open debate today.

I now give the floor to the representative of Brazil.

Ms. Dunlop (Brazil): First of all, allow me to congratulate you, Mr. President, on the organization of this meeting of the Security Council on the protection of civilians in armed conflict. As we approach the tenth anniversary of the adoption of resolution 1265 (1999), it is appropriate and timely to commend the Security Council for its sustained efforts to ensure the protection of civilians in armed conflict. Through that resolution and others that followed, as well as through the relevant presidential statements, the Council has built and continues to build a solid normative body. The Secretariat is also to be commended for the work it has done, of which the latest report of the Secretary-General (S/20009/277) is a fine example. I would like also to thank Mr. Holmes for his contribution to the debate.

The document presented by the Secretariat reiterates a sad truth that we all know too well: civilian casualties in armed conflict, which still far outnumber those of combatants, continue to threaten or breach international peace and security in some corners of the planet. In the face of such threats or breaches, the Council cannot stand silent or hesitate. Rather, it should make appropriate and non-selective use of the instruments provided for in the Charter to put an end to gross violations of international humanitarian law.

Among such instruments, those set forth in Chapter VI should be given careful consideration as a means to stimulate and support the peaceful settlement of disputes. When Chapter VII action proves necessary and sanctions emerge as a potentially effective tool, as proposed in the report, they should be specific and targeted, so as not to impose further suffering on the affected populations. In those cases where a peacekeeping mission is established, it might be necessary and even morally imperative to give it a clear mandate to help protect civilians.

While my delegation fully recognizes the increasing importance of that task in peacekeeping operations, we concur with the view expressed by the Secretary-General that it is not exclusively military in nature. Rather, it is and must be multifaceted. To that end, we favour a comprehensive approach that seeks to help address, alongside security concerns, the underlying political, economic and even cultural factors of armed conflict and violence against civilians. Such an approach lies at the heart of some success stories in peacekeeping, such as the United Nations Stabilization Mission in Haiti. Another key element of success is the need for close cooperation with national authorities, given the primary responsibility of the host Government to protect its own population.

A particularly challenging aspect of the issue before us today is compliance with international humanitarian law by non-State actors, who must not forget or ignore the fact that they are bound by such law. My delegation recognizes the benefits of dialogue with such actors as a way of obtaining guarantees regarding the security of humanitarian personnel and access to populations in need of assistance. It is essential that the humanitarian purposes of such a dialogue be entirely clear to all participants and that the principles of independence, neutrality, impartiality and humanity, as set out in General Assembly resolutions 46/182 and 58/114, be fully observed at all times.

Observing such principles is crucial in addressing constraints faced by humanitarian actors in ensuring safe, timely and effective access to those in need.

Difficulties can also be overcome or mitigated by enhanced cooperation and coordination of humanitarian actors with States, which have the primary responsibility for the well-being of their populations. As their citizens are the main beneficiaries of domestic and foreign humanitarian assistance, consistent with such principles, States can only gain from such enhanced cooperation and coordination. By strictly observing those General Assembly resolutions, humanitarian actors can also help to prevent attacks against their personnel, assets and supplies, as such observance counters misperceptions that, in some cases, lead to such attacks. States can also contribute to the safety of humanitarian actors by educating their agents on the purposes and benefits of humanitarian assistance consistent with those four principles, as well as on the need to ensure the safety and security of all those involved in delivering such assistance.

It is fitting to recall here the decision taken by the General Assembly last year, in its resolution 63/139, to establish World Humanitarian Day on 19 August as a tribute to those who have lost their lives in the promotion of the humanitarian cause. We hope that this will help to raise awareness of the importance of humanitarian activities worldwide and will thus have a positive impact on the safety and security of United Nations and associated personnel.

My delegation expects continued engagement by the Security Council in efforts to promote the protection of civilians in armed conflict, within its powers and functions under the Charter. This endeavour must be as participatory and transparent as possible, since the involvement of all interested Member States cannot but contribute to fostering the support of States for the Council's work on this crucial item on the international agenda.

The President: I now give the floor to the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): The State of Qatar attaches utmost importance to the question of the protection of civilians in armed conflict, and I thank you, Sir, for the opportunity to participate in today's important debate. I wish also to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his important briefing.

Today's open debate takes place 10 years after the Security Council's first discussion on the protection of civilians in armed conflict. That important discussion led to the Council's adoption of many resolutions calling for improved conditions for civilians affected by war and its attendant humiliations. In spite of the efforts that have been made — such as the inclusion of protection in the mandates of peacekeeping operations, the establishment of a Council Expert Group on the Protection of Civilians and plans to address violence of all kinds, including killing, maiming and sexual violence — any such developments remain of limited value, as the Secretary-General notes in his report (S/2009/277), if they do not translate the provisions of Council resolutions into concrete fact.

In that regard, we recall the report's observation that the protection of civilians is not a purely humanitarian task; rather, it is a multifaceted task. The first and most important facet is ensuring compliance with laws on the protection of civilians in armed conflict, including in situations of foreign occupation, in accordance with international law and, in particular, with international humanitarian law and international human rights law. It also involves combating impunity and ensuring the protection of civilians and their human rights without discrimination or selectivity of any kind.

The State of Qatar condemns the targeting, killing or maiming of civilians in armed conflict or in situations of foreign occupation. We condemn all acts of reprisal against civilians or against civilian targets such as schools and hospitals. We note the observations in the report of the Secretary-General regarding the core challenges to improving the protection of civilians in armed conflict, including in situations of foreign occupation, and we endorse the report's reference to the fact that those challenges are fundamentally reflected in the lack of full compliance with international legal commitments on the protection of civilians.

In our region, more than 1,000 Palestinian civilians lost their lives in January's Israeli aggression against the Gaza Strip. That was a result of the consistent targeting of infrastructure, which caused enormous damage to homes, hospitals and schools, including schools operated by the United Nations, in clear breach of international humanitarian law and international human rights law, specifically the Geneva Conventions, in particular the Fourth Convention, which includes provisions on the protection of civilians under foreign occupation.

Another important challenge is to avoid subjecting civilians to the consequences of hostilities, as is currently the case in Afghanistan, and to prevent the killing of civilians by rebel elements, as is the case in the Sudan. Millions of civilians in zones of armed conflict and foreign occupation are suffering, in particular women, children, the disabled and the elderly. Their lives and prospects are under threat both during and after crisis situations, because there are constraints on the needed assistance. Here, we take note of the annex to the report of the Secretary-General, on constraints on humanitarian access. We stress the importance of continuing to compile information on the humanitarian crisis facing civilians under foreign occupation and in armed conflict situations.

Under international humanitarian law and international human rights law, especially the Geneva Conventions and in particular the Fourth Convention, which contains provisions related to the protection of civilians under foreign occupation, primary responsibility lies with the parties to the conflict and with the occupier to protect those under its authority and to provide for their basic needs.

The State of Qatar believes that hindering the provision of humanitarian assistance constitutes collective punishment of an entire innocent people. This is a phenomenon that is growing in breadth and in severity. The Palestinian people in the Gaza Strip are suffering because of unjustifiable constraints on and measures against the provision of humanitarian assistance. Following the Israeli aggression against the Strip, Israel, the occupying Power, has continued to refuse entry to the Strip of all goods, including necessary building supplies. The border crossings remain closed.

Education is a basic human right which is jeopardized in zones of conflict or foreign occupation. Educational infrastructure has been paralysed in the Gaza Strip since last January. The situation has prompted Her Highness Sheikha Mozah Bint Nasser al Missned, UNESCO Special Envoy for Basic and Higher Education, to call upon the Security Council to provide the necessary protection for education in the Gaza Strip and to investigate the crimes committed there, including the targeting of a United Nations school.

The occupying Power's obstruction of humanitarian operations has disrupted education in the Strip, and we call upon the Security Council to mandate its various bodies to attach great importance to the right to education in zones of armed conflict and foreign occupation, and to focus on this issue in its future deliberations.

Ensuring accountability for violations of international humanitarian law, including the Geneva Conventions and the Fourth Geneva Convention in particular, which includes provisions on the protection of civilians under foreign occupation, international human rights law is the ideal vehicle for enhancing the protection of civilians on the ground. The problem lies in the consistent failure to implement international legal mechanisms in a fair and equitable manner and in the adoption of double standards and attitudes with respect to such situations. That in turn leads to a lack of accountability for parties that breach that law and commit such crimes, thus allowing them more latitude to pursue their violations at leisure.

Impunity for serious violations of international law has cast a heavy shadow over every initiative that held out hope for peace and stability. Repeated impunity frustrates victims, fuels their desire for revenge and allows the perpetrators to feel that they are above the law. It ultimately encourages the offender to commit further violations.

The time has come to translate our commitments into concrete action on the ground. We would like to stress the importance of the Security Council's acting to implement the recommendations of the United Nations fact-finding panel in its investigation of a series of Israeli attacks on United Nations facilities and staff in the Gaza Strip, including schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. We also stress the urgent need to examine one of the relevant recommendations that a thorough and unbiased investigation be made of all violations of international humanitarian law in the Gaza Strip.

We reiterate our call on the Security Council to shoulder its responsibilities and meet its obligations to protect civilians in armed conflict, and to ensure respect for the instruments of international law and the Security Council's own resolutions, which provide the legal basis for the protection of civilians in armed conflict, including under foreign occupation. The rule of law is a fundamental issue in armed conflict. We need to recognize that respect for international law

constitutes the true beginnings of world peace and stability.

The President: Before giving the floor to the Permanent Representative of the Czech Republic, I intend, with the Council's permission, to continue until 1.15 p.m. because I still have 30 speakers on my list.

I now give the floor to the representative of the Czech Republic.

Mr. Palouš (Czech Republic): I have the honour to speak on behalf of the European Union. The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, the European Free Trade Association country Iceland, member of the European economic area, as well as Armenia, Georgia, the Republic of Moldova and Ukraine align themselves with this statement.

Let me thank the presidency of the Security Council, Turkey, for organizing this debate and commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his informative briefing on the issue. The European Union thanks the Secretary-General for submitting the current report (S/2009/277) and supports the recommendations therein.

First, the European Union remains of the view that the protection of civilians is a key aspect of the United Nations peacekeeping and peacebuilding efforts that has to be comprehensively, systematically and consistently incorporated in all Security Council mandates. At least eight of the current operations have an explicit mandate to protect civilians, and we welcome that development. We look forward to considering the results of a study of the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on how to make the activities of the United Nations missions more effective in that regard.

The European Union expresses its firm support for the work of the Security Council Expert Group on the Protection of Civilians. The Expert Group is an innovative tool for deeper consideration of protection issues and its potential should be fully used. In turn, the European Union encourages the Council to give further practical relevance to its own aide-memoire (S/PRST/2009/1, annex) on the protection of civilians. It should be translated into concrete improvements in the protection of civilians on the ground.

In general, the European Union also emphasizes the need for close coordination and meaningful positive synergies of policies on the protection of civilians within the framework of United Nations activities in other areas, such as human rights, gender equality, children in armed conflict, the rule of law, small arms and light weapons, disarmament, demobilization and reintegration, and security sector reform.

The European Union emphasizes the need to operationalize the concept of the responsibility to protect. All heads of State and Government endorsed the principle of responsibility to protect in 2005, and the European Union continues to call for the full implementation of that principle by the Security Council, as well as by the General Assembly.

Regretfully, civilians continue to be gravely affected by conflicts. The Security Council must react to the changing nature of threats to international peace and security. The European Union calls on all parties to conflicts to ensure the protection of civilians at all times and to comply with international humanitarian and human rights law. Thus, we strongly encourage the Governments concerned to engage in full protection of internally displaced persons and their return and in the protection of children affected by the armed conflict. International humanitarian law should be fully respected. All violations of human rights and international humanitarian law should be investigated and those responsible should be held accountable.

The European Union also supports the work of the Special Representative of the Secretary-General for Children and Armed Conflict and the Security Council Working Group on that subject. We urge the Working Group to redouble its efforts in transforming the normative work of relevant Council resolutions into results at the field level.

Women's participation in the peace processes is fundamental to the protection and promotion of women's human rights in conflict-affected situations. The European Union strongly supports enhancement of the role of women in protection issues, also in accordance with Security Council resolutions 1325 (2000) and 1820 (2008), which reconfirm that guaranteeing the protection of women and girls in armed conflict through effective institutional

arrangements contributes significantly to promoting and to maintaining international peace and security. The European Union is looking forward to the upcoming report of the Secretary-General on the implementation of Security Council resolution 1820 (2008).

In many conflict situations, impunity prevails due to the lack of political will. Therefore, the Security Council, once again, should make clear that any assault on the civilian population, including genocide, war crimes, ethnic cleansing and crimes against humanity, is completely unacceptable. In that context, we would also like to stress the importance of the full implementation of Security Council resolution 1820 (2008). The European Union encourages all States to provide their full support to the International Criminal Court by acceding to the Rome Statute and cooperating with the Court.

The European Union continues to support efforts by the United Nations and its agencies, as well as by civil society and non-governmental organizations, to alleviate the suffering of civilians on the ground and to work towards achieving durable stability. Safe, unhindered and timely access to civilian populations in conflict is a fundamental condition for the fulfilment of mandates and missions of humanitarian actors. We encourage humanitarian personnel on the ground to follow the principles of humanity, impartiality, neutrality and independence, and we call on the recipient countries to ensure their safety and security.

The European Union is dedicated to systematic consideration of the issues of human rights, gender and children affected by armed conflict in the planning and conduct of its European Security and Defence Policy missions and operations, including their mandates and staffing. The European Union attaches particular importance to enhanced European Union-United Nations cooperation in the area of the protection of civilians in those theatres of operation where the United Nations and the European Union have missions deployed side by side. The most prominent example of such deployment is in the Democratic Republic of the Congo, where the European Union has two missions deployed: the EU security sector reform mission in the Democratic Republic of the Congo and the EU police mission in that country.

Furthermore, the European Union is determined to assist in implementing resolutions 1325 (2000) and 1820 (2008) with the aim of achieving more concrete progress on gender equality issues and thus adding to the credibility and effectiveness of those missions and operations on the ground.

The European Union joins the Secretary-General's call on the international community to seize the opportunity of this tenth anniversary of the protection of civilians to reinvigorate its commitment to this agenda and, above all, to make the protection of civilians more systematically and consistently a reality for all those caught in conflicts. Let me reassure the Council of the European Union's continued commitment to the issue of the protection of civilians.

The President: I now give the floor to the representative of New Zealand.

Ms. Graham (New Zealand): I thank you for convening this debate, Mr. President. We welcome the Secretary-General's latest report (S/2009/277), which provides a thorough assessment of the first 10 years of Council involvement in the protection of civilians and highlights the challenges that Member States must still address to ensure better protection for them. We commend the Council for its ongoing consideration of this issue and we especially thank Under-Secretary-General Holmes for his comprehensive briefing this morning.

The immediacy of the need to protect civilians is evident from the new and ongoing conflicts around the world. Sadly, we continue to see civilians suffering seriously and disproportionately, even in the short time since the last debate on this subject in January.

The 26-year conflict in Sri Lanka has cost the lives of many of its people and led to a serious humanitarian crisis. New Zealand joined with others in condemning Liberation Tigers of Tamil Eelam attacks on the civilian population, its forced recruitment of soldiers, including, reportedly, children, and its use of civilians as human shields. At the same time, New Zealand was very concerned by reports of Sri Lankan Government forces using heavy artillery in areas with a dense civilian population.

While the fighting is now over, we remain deeply concerned about the plight and safety of internally displaced persons (IDPs) who fled that conflict. We join other countries in urging the Government of Sri Lanka to improve access to the IDP camps for humanitarian agencies in order to ensure that all those

affected by the conflict receive the assistance that they so urgently need.

The Secretary-General's report illustrates that there is still much work to be done to ensure the effective protection of civilians in armed conflict. In this regard, there are three thematic areas which New Zealand would like to cover.

First, with respect to peacekeeping mandates, New Zealand strongly supports the inclusion of civilian protection activities in the mandates of United Nations peacekeeping operations. This approach is an important and evolving practice of recent years and one means for the United Nations to help address the serious problem of civilian casualties in armed conflict. Paragraph 16 of resolution 1674 (2006) was an important step in this regard, as were paragraphs 125 through 128 of the report of the Special Committee on Peacekeeping Operations, the latter of which reflected important agreement by Member States relating to the protection of civilians.

However, improvements need to be made in the clarity and specificity of these mandates, in order that all parties — the Council, peacekeepers and civilians — may have a common understanding and shared expectations. Little progress has been made towards developing the necessary capacities and doctrines that need to accompany protection of civilians mandates in order for them to be effectively implemented. Like others who have spoken, we encourage the United Nations Department of Peacekeeping Operations (DPKO) to address this as a matter of priority and we look forward to the findings of the independent study commissioned by the Office for the Coordination of Humanitarian Affairs and DPKO.

Secondly, with regard to the deliberate targeting of humanitarian workers, the increasing incidence of intentional attacks on humanitarian workers in conflict zones is deeply disturbing. In addition to threatening the safety of these unarmed civilian workers, the attacks constrain the effective delivery of humanitarian assistance, including that offered by the United Nations. New Zealand welcomes the Secretary-General's strong recommendations in this regard, and we look to the Security Council to assist in their implementation.

New Zealand urges parties to armed conflict to respect international humanitarian law, in particular the duty to respect and protect humanitarian assistance personnel. A related concern for New Zealand is the rising frequency of attacks on journalists and members of the media in conflict areas. Journalists have an important role to play in the monitoring of conflicts and in ending impunity for serious crimes.

Thirdly, it is imperative for the protection of civilians that impunity be ended for those who attack civilians and humanitarian workers. Impunity allows those responsible not to be held to account for their actions, denies justice to the victims of these actions and their families, and sends the message that the international community is not prepared to take action even when serious crimes occur.

New Zealand supports the International Criminal Court, which has an important role to play in bringing the perpetrators of war crimes, crimes against humanity and genocide to justice. We have worked closely with others to encourage widespread ratification and implementation of the Rome Statute. It is in the interests of all States that there be accountability. We urge all countries that have not yet done so to become party to the Rome Statute and to take steps within their own jurisdictions to combat impunity.

In conclusion, New Zealand recognizes the critical importance of the protection of civilians agenda, and we welcome the Secretary-General's recommendations in his latest report. New Zealand stands ready to work with other Member States, the Council and the Secretariat to ensure that progress in protection of civilians becomes a reality for those on the ground.

The President: I give the floor to the representative of Israel.

Mr. Carmon (Israel): Mr. President, I would first like to thank you for convening this important meeting and for your leadership of the Council this month. On a personal note and since this is Israel's last intervention in the Council for the month of June, I wish to congratulate you personally on your many years of remarkable diplomatic service to your country and to the international community.

This year marks a decade since the issue of the protection of civilians in armed conflict has been on the Council's agenda. During this period, there has been progress in some vital areas, such as child recruitment, and we have also seen an increased awareness of the horrific consequences of sexual violence used as a tool in conflict. In spite of these

advances, it is clear that other areas of concern stubbornly resist our efforts to make improvements. In response to these continuing challenges, and using the spotlight of this anniversary, it is now an appropriate time for stocktaking.

In this regard, we look forward to the forthcoming study jointly commissioned by the Office for the Coordination of Humanitarian Affairs and the United Nations Department of Peacekeeping Operations on the protection of civilians mandates of peacekeeping missions. The Secretariat and Member States should carefully consider its findings and conduct a meaningful review of strategies found to have fallen short of expectations. More resources might also be devoted to replicating, where appropriate, elements of protection mandates that have proven successful.

In its latest report, the Special Committee on Peacekeeping Operations recognizes the important role of the Secretariat in promoting protection activities in peacekeeping, particularly relating to children and gender. Israel supports the progressive enhancement of mission activities in these areas, including through the strategic deployment of child protection advisers. We also endorse the addition of grave sexual violence to the triggers for the listing of parties on the Secretary-General's annexes related to children and armed conflict.

I would like to turn to the recent report of the Secretary-General on the protection of civilians (S/2009/277), a document that contains a number of deficiencies and inaccuracies that must be addressed here. We were dismayed to find that the report does not acknowledge the Hamas terrorist organization's actions against civilians of my country. It does not note that for eight consecutive years those terrorists subjected the southern part of my country to a ceaseless barrage of rockets and mortars fired from Gaza into Israel, terrorizing, maiming and killing Israeli civilians.

Israel's civilians — men, women and children — are not accidental casualties. Hamas, in the old terrorist tradition, deliberately targets Israeli civilians and has proudly acknowledged that strategy on a number of occasions. Those actions, which provoked last winter's military campaign, should have warranted at least a brief mention in the report, but they did not.

During those months, the majority of the international community acknowledged the perilous humanitarian situation of the citizens of southern Israel. The very least OCHA should do in a report entitled "The protection of civilians in armed conflict" is to acknowledge that humanitarian problem. If the authors of the report do not consider the daily bombardment of Israeli civilians an issue related to the protection of civilians, then what is? We demand a clarification of that omission.

Moreover, the report ambitiously verges on drawing judicial conclusions concerning international humanitarian law, although it is unclear on what mandate, expertise and procedure those are based. The report makes no mention of Israel's extraordinary efforts to avoid civilian casualties or of its implementation of the Israeli Defense Forces (IDF) own operational standard procedures in the aftermath of any military operation. As part of its normal practice, the IDF has conducted five in-depth investigations concerning the recent conflict. These reflect Israel's democratic oversight, which ensures rigorous attention to Israel's laws, as well as those of the international community.

Not only does the report omit any mention of Hamas's terrorism perpetrated against Israeli civilians, but its weak treatment of Hamas's terrorism practised against Gaza's civilians is inexplicable. It is troubling that, in the face of overwhelming evidence, the report finds only that concerns exist as to whether Hamas used civilians as human shields. In that regard, it is worth noting that the most recent report on children and armed conflict (S/2009/158) found that Palestinian families were too terrified of Hamas retribution to speak publicly against the group's use of Gaza's children. It is regrettable that the current report on the protection of civilians does not see fit to mention that fact. Moreover, while clear evidence exists of Hamas's cruel misuse of civilian infrastructure, contrary to the most basic humanitarian values, the report shies away from addressing that practice in an appropriate manner.

The report is fundamentally flawed. It is flawed for its omissions, it is flawed for its errors and it is flawed for its selective use of language. With those and other deficiencies, the report does not help civilian protection, which the report acknowledges is increasingly challenged by asymmetric conflicts involving States with obligations, on the one hand, and non-State armed groups, on the other. In spite of that recognition, the report fails to seriously address the actions of non-State parties who have made a mockery of the concept of protection of civilians.

Many States around this table, as well as in the wider membership of the Organization, know exactly what terrorism is all about. They have paid the terrible price levied by terrorism and have decided to confront this phenomenon. Like Israel, they have felt the importance and urgency to protect their own citizens, which is the primary obligation of any responsible State. They also know the difficulty of confronting this new enemy, which considers innocent civilians to be legitimate targets. None of those States would tolerate a politicized, unjust and biased treatment of its struggle against terrorism. Neither does Israel.

Let me stress that the issues contained in this statement have been addressed to our Secretariat colleagues in the past two weeks, highlighting the deficiencies of the report. We understand that we were not the only ones to have done so, to say the least. We also understand and trust that coordination within the Secretariat will improve in the future and that misrepresentations will not be repeated, thus avoiding futile politicized semantics, wrong accusations and deliberate omissions.

In conclusion, Israel will continue to seriously address the issue of the protection of civilians in a constructive manner. For Israelis, as victims of terrorism, the protection of civilians is not a theoretical exercise; it is a reality that we have been grappling with for over 60 years. It is unfortunate that, on a daily basis, terrorism presents us with the dilemma arising from the need to uphold human rights while protecting civilians on all sides. Israel takes the issue to heart, whomever it concerns and wherever they may be. We expect substantial improvements in future reports so that the international community can engage in a relevant, accurate and in-depth debate on this important issue.

The President: I now give the floor to the representative of Colombia, who will be this morning's last speaker.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me to congratulate you, Sir, on your work as President of the Security Council during this month, and to express our gratitude for the convening of this debate. We also wish to thank Under-Secretary-General John Holmes for his presentation.

Colombia has taken careful note of the seventh report of the Secretary-General on the protection of civilians (S/2009/277). Several of the challenges identified in the report should receive priority attention both from States and from other relevant actors. In that regard, I would like to underscore the challenges concerning respect for international humanitarian law; strengthening the capacities of peacekeeping and other operations; guaranteeing access to humanitarian assistance in compliance with international norms; and accountability.

Other matters addressed in the report, such as the changing nature of conflicts, the proliferation, fragmentation, identity and motivation of non-State armed groups, and dialogue with those actors, should be the subject of further consideration in order to ensure that they fall within the scope of the provisions of the Charter of the United Nations and applicable international law.

All States and relevant actors must give the highest priority to the protection of civilians and to abiding strictly by international humanitarian law and other international norms in that regard.

Through its democratic security policy, the Government of Colombia has given priority to the strategic goal of strengthening and guaranteeing the rule of law throughout its national territory. The consolidation of that policy has made it possible for us to put firmly in place conditions to protect Colombians and allow them to enjoy their rights. These efforts include a comprehensive policy on human rights and international humanitarian law that is focused on prevention and on ensuring appropriate punishment for any violations, including those involving members of the security forces of the State.

The strengthening of democratic authority and the State's control over its territory is reflected in the continued reduction in the number of all acts of violence and criminality. Since 2002, 51,407 members of illegal armed groups have been demobilized. That process, which is being implemented in the framework of special legislation, has made it possible to provide victims with justice, truth and reparations.

Combating drug trafficking, the financial source of violence and terror, is also a national priority. The United Nations report issued a few days ago showed a dramatic reduction in illicit cultivation and drug production in the country in 2008. These results will have to better security for Colombians. The commitment of the international community to combating drug trafficking and terrorism is essential to consolidating these achievements.

We support the call of the Secretary-General in his report on States that are not parties to the Ottawa landmine Convention to ratify it without delay. Colombia will host the second Review Conference of the States Parties to the Ottawa Convention, from 30 November to 4 December this year in Cartagena. We expect, on that occasion, to assess the progress made in implementing the Convention and to define a plan of action to address the persistent challenges in the eradication of anti-personnel mines throughout the world.

We also agree with the Secretary-General on the urgency of implementing controls over the illicit trade in small arms and light weapons, a prerequisite for improving the protection of civilians. My country will continue to promote this issue in the General Assembly and hopes that the Council will emphasize the importance of adopting effective measures in this field.

Regarding humanitarian assistance, Colombia joins in the condemnation of attacks against humanitarian personnel. In addition, we emphasize the responsibility and primary role of States in the provision and coordination of humanitarian assistance within their territories. We recognize the importance of international cooperation and the facilitation of access for humanitarian entities in accordance with international norms.

In Colombia, the Government is the main provider of humanitarian assistance. This year, Under-Secretary-General John Holmes visited our country and verified the progress achieved and the budgetary and programmatic efforts of State agencies working in this field. We have taken note of the challenges identified with his Office to improving the various programmes.

I should note that progress in terms of the security situation in Colombia can also be seen in improved access and enhanced safety for humanitarian staff, enabling them to carry out their work throughout the country. This includes international institutions, which provide valuable cooperation. The State will continue to focus on preventing and controlling any situation that could hinder the provision of humanitarian assistance.

We note, moreover, that the report emphasizes the importance of lasting solutions for refugees. It is essential that States fully honour their international obligations to protect refugees, including those under the Convention relating to the Status of Refugees and other relevant instruments. Colombia fulfils its commitments under this Convention and has supported the work of institutions working in this field, such as the Office of the United Nations High Commissioner for Refugees.

Colombia reiterates its support for efforts to protect civilians and ensure respect for their rights, in conformity with the United Nations Charter and the norms of international law. My delegation will remain actively engaged in the discussions on this subject in the various bodies and institutions of the United Nations.

The President: There are still a number of speakers on my list for this morning. I intend, with the consent of all members, to suspend the meeting until 3 p.m.

The meeting rose at 1.25 p.m.

Security Council

Sixty-fourth year

Provisional

6151st meeting

Friday, 26 June 2009, 3.10 p.m.
New York

President:	Mr. İlkin	(Turkey)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Koudougou
	China	Mr. Long Zhou
	Costa Rica	Mr. Hernández-Milian
	Croatia	Mr. Škrabalo
	France	Ms. Gasri
	Japan	Mr. Miyamoto
	Libyan Arab Jamahiriya	Mr. Gebreel
	Mexico	Mr. Heller
	Russian Federation	Mr. Zheglov
	Uganda	Mr. Muhumuza
	United Kingdom of Great Britain and Northern Ireland	Mr. Saltonstall
	United States of America	Mr. McBride
	Viet Nam	Mr. Dang Hoang Giang

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

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The meeting resumed at 3.10 p.m.

The President: I wish to remind all speakers, as I indicated at the morning session, to please limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to the representative of Bosnia and Herzegovina.

Ms. Čolaković (Bosnia and Herzegovina): I would like to begin by thanking the presidency for having convened this important debate. At the same time, since this is my last address to the Security Council this month, I wish to express my gratitude to you, Mr. President, and to the Turkish delegation for successfully leading this important body during this month. I am sure that your wisdom, guidance and diplomatic skills will serve as excellent examples to all of us.

This year, the agenda item on the protection of civilians in armed conflict marks the tenth anniversary of its consideration by the Security Council, to which Bosnia and Herzegovina attaches the utmost importance. Bosnia and Herzegovina associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union.

The report of the Secretary-General (S/2009/277) vividly describes how civilians continue to suffer the consequences of armed conflict and to be the target of attacks. In some cases women, children and unarmed men have become the primary target of attacks by parties to the conflict. An unfortunate characteristic of contemporary conflict is that civilian casualties often outnumber combatants killed on the battlefield. Bosnia and Herzegovina is deeply concerned by such attacks, especially those deliberately targeting humanitarian workers during their noble missions.

My delegation condemns all violations of international humanitarian and human rights law. Given its own painful experience, Bosnia and Herzegovina always recognizes the need for strict compliance with international humanitarian law. The international community must strengthen mechanisms to enhance compliance by State and non-State parties to armed conflict with international law, in particular based on provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

As a State party, Bosnia and Herzegovina reiterates its commitment to the provisions of the Rome Statute of the International Criminal Court (ICC). The Court must be the real guardian of the provisions of international humanitarian law. In that regard, combating impunity is a factor in preventing the commission of such acts against civilians.

Bosnia and Herzegovina welcomed the adoption of the text of the Convention on Cluster Munitions at the conference held in Dublin in May 2008. Bosnia and Herzegovina signed the Convention on Cluster Munitions at the Signing Conference of the Convention held on 3 December 2008 in Oslo. The Convention on Cluster Munitions will serve as an indispensable legal instrument to broadly contribute to the protection of civilians during armed conflict.

My country welcomes increased engagement by the Security Council on issues connected to the protection of civilians. In that regard, we would like to commend the Security Council on the adoption of presidential statement S/PRST/2009/1, at the last meeting on this agenda item, and the updated aide-memoire on the protection of civilians contained in its annex.

I am convinced that the aide-memoire, produced as a result of close cooperation between the Security Council and the Office for the Coordination of Humanitarian Affairs, is an indispensable tool that will help peacekeeping missions to successfully carry out their mandates.

My delegation supports the work of the Security Council Group of Experts on the Protection of Civilians as a body that will contribute to the protection of civilians in armed conflict through its analyses. Bosnia and Herzegovina would like to reiterate once again the importance of the role of regional and subregional organizations in conflict resolution, peacekeeping, peacebuilding and conflict prevention. Bearing in mind that the majority of conflicts today are non-international, a regional and subregional approach would lead to more workable and lasting solutions. We invite competent United Nations bodies and agencies to work closely with regional organizations in that regard.

Finally, the best way to reduce the consequences of armed conflict is the timely address of the root causes.

The President: I give the floor to the representative of Lichtenstein.

Mr. Wenaweser (Liechtenstein): We welcome this debate and the excellent report submitted by the Secretary-General (S/2009/277). In the ten years since the Council first took up the issue of the protection of civilians in armed conflict, the changing nature of armed conflict has continued to have a profound impact on the plight of civilians in armed conflicts. And indeed the report before us reveals a continued gap between the existing standards of international humanitarian law and the current realities on the ground.

We hope that this debate will prepare the ground for an open debate in November on the occasion of the tenth anniversary, that reaffirms the commitment of the Council to this agenda and results in a set of effective measures to further advance it. Among the recent steps taken, we welcome in particular the adoption of the third version of the aide-memoire and the establishment of the Security Council Expert Group on the Protection of Civilians. As illustrated in the Secretary-General's report and its annex, the challenges to the Council in the area of implementation continue to be very significant.

The development and universal acceptance of international humanitarian law is among the landmark achievements in the history of international law. Among its core principles are the distinction between combatants and non-combatants, proportionality of the use of force as well as the requirement to take all feasible measures to minimize civilian casualties. The applicable provisions of international humanitarian law must be respected in any armed conflict and by any party to it, under all circumstances and irrespective of the question of the legality of the use of force itself.

The repeated violations of these rules, such as in the conflicts in Sri Lanka and Gaza, warrant a clear response from the Council in order to promote the observance of international humanitarian law in practice. The Council must unequivocally demand compliance with international humanitarian law by all parties to a conflict and call for accountability in cases where massive and systematic violations have occurred.

Such accountability mechanisms are, ideally, established at the national level, where necessary with the assistance of regional or international organizations. When necessary, the Council should establish commissions of inquiry or similar bodies in order to enhance accountability for serious violations. In the most serious cases of the inability or unwillingness of the State concerned, the Council can consider referring the matter to the International Criminal Court (ICC).

One of the most important goals of the establishment of the ICC was to promote effective investigations and prosecutions at the national level. We therefore fully support the call of the Secretary-General on Member States to adopt legislation that holds perpetrators accountable for genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.

Access to civilians in need of assistance is a grave problem in the area of the protection of civilians. Access is often unsafe, or is granted too late or under conditions that hinder effective delivery. The annex of the report refers to bureaucratic constraints imposed by the authorities in charge, the intensity of hostilities and attacks on humanitarian personnel and assets as the most severe and prevalent access constraints. The restrictions by the Government of Sri Lanka on the delivery of supplies to the conflict areas, the unclear and inconsistent criteria and procedures on the entry of certain relief material to Gaza and the dramatic rise in kidnappings of humanitarian personnel are disturbing examples from the recent past.

The Council must call, where necessary, on parties to conflicts to remove all unwarranted impediments to humanitarian access and allow safe passage for civilians seeking to flee conflict zones, and it must call for temporary ceasefires that are long enough to enable effective relief action by humanitarian actors. The Council has a particular obligation to protect United Nations staff and to ensure that there is no impunity for attacks on humanitarian and peacekeeping personnel, which are war crimes under the Rome Statute of the International Criminal Court.

The protection of civilians is an inherent task for all peacekeeping missions, not merely a military task, so all components of peacekeeping missions must contribute to carrying out protection mandates. We thus

welcome the development of mission-specific inclusive strategies and plans of action. That applies, in particular, to acts of sexual violence. When committed on a large scale and in a systematic and targeted manner, sexual violence is not just a by-product of armed conflict, but rather a method of warfare aimed at destroying the social fabric of communities in order to achieve political and military ends.

In that respect, we reiterate our support for resolution 1820 (2008) and call on the Security Council to provide clear guidance on how to protect civilians from acts of sexual violence.

The President: I now give the floor to the observer of Palestine.

Mr. Mansour (Palestine): I express our appreciation to you, Mr. President, for convening this debate on a matter of immense importance to Palestine. The Security Council's attention to the need for the protection of civilians in armed conflict is both appropriate and necessary. We also express appreciation to you and your country, Turkey, for your wise stewardship of the Council this month. I would also like to add that I am delighted to see you, as a good friend, presiding over the Security Council.

I also wish to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his presentation of the Secretary-General's report (S/2009/277) and for his compelling statement. We hope that the Council will continue its efforts to address this issue in an effective manner until serious protection of civilians in armed conflict is ensured in all cases, without selectivity or inaction based on political considerations.

While the past 10 years of Security Council efforts have contributed to increased awareness among Member States and the broader international community of the need to provide protection and to respond to protection issues, the situation confronting civilians in today's conflicts is tragically similar to that which prevailed a decade ago. That can be primarily attributed to the failure of parties to respect, and to ensure respect of, their legal obligations to protect civilians and spare them from the cruel consequences of war and aggression.

The Palestinian people are all too familiar with the failure of the international community to guarantee the protection accorded to them under international law, including humanitarian law and human rights law. For more than four decades, the Palestinian people have endured appalling levels of human suffering at the hands of Israel, the occupying Power, in the occupied Palestinian territory, including East Jerusalem. We reiterate our call, as we have in previous debates on this issue, that the protection of peoples under foreign occupation must be a priority undertaking of the United Nations, in particular the Security Council, which has clear responsibilities in that regard.

The international community's repeated inability to hold Israel accountable for its violations and war crimes has regrettably reinforced Israel's impunity and lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it from its legal obligations as an occupying Power.

In that regard, it should be recalled that protection provisions can be found in many instruments of law, including the Geneva Conventions, particularly the Fourth Geneva Convention, the provisions of which explicitly aim to ensure the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation; the Additional Protocols to the Geneva Conventions; the human rights Covenants; the Rome Statute of the International Criminal Court; and numerous United Nations resolutions.

Never has the absence of protection for the Palestinian civilian population been more evident than it was during Israel's three-week aggression against the Gaza Strip. More than 1,400 Palestinians were killed in the Israeli onslaught, the overwhelming majority civilians, including hundreds of children and women; and more than 5,500 Palestinians, including more than 1,800 children, were injured as a result of the use of excessive and indiscriminate force and lethal, and even illegal, weaponry and ammunition by the occupying forces against the civilian population. Civilian areas and objects, including United Nations schools where civilians were known to be sheltering from the violence, were directly targeted by the occupying Power, as confirmed by the number of casualties and the extent of the destruction, as well as by several investigations, including by the Secretary-General's Board of Inquiry, the League of Arab States Independent Fact Finding Committee on Gaza and

many human rights and humanitarian organizations on the ground.

Among countless other violations, the occupying Power also attacked humanitarian personnel and clearly-marked ambulances, wantonly destroyed public and civilian infrastructure, including thousands of homes, targeted United Nations schools and buildings and obstructed humanitarian access and access to medical treatment for the wounded and sick, while continuously denying an entire population their most basic rights, including their rights to food and water. Not only do all such actions constitute serious, systematic violations of international law, but many amount to war crimes, for which accountability must be pursued.

In that regard, as the report rightly states, the absence of accountability and, worse still, the lack in many instances of any expectation thereof, are what allow violations to thrive to a large extent. We thus fully agree with the recommendations in the report, in particular the recommendation that the Council mandate commissions of inquiry to examine situations where there are concerns regarding serious violations of international humanitarian law and international human rights law, including with a view to identifying those responsible and prosecuting them at the national level or referring the situation to the International Criminal Court.

In this regard, the aforementioned independent inquiries and investigations into Israel's military aggression against the Gaza Strip clearly confirm that Israel committed grave breaches of international law, as it continues to do with its ongoing blockade of the Gaza Strip in collective punishment of the entire civilian population, and other illegal measures, including colonization activities, throughout the occupied Palestinian territory.

We persist in our calls for serious steps to pursue accountability and justice with regard to Israel's crimes against the Palestinian civilian population. That is imperative for healing the deep physical and societal wounds and trauma inflicted upon the Palestinian people.

The international community, including the Security Council, must follow up on the findings and recommendations from United Nations-related investigations, including the United Nations Headquarters Board of Inquiry and the investigation being undertaken by the Human Rights Council's fact-finding commission. The Palestinian people will never forget what happened, but, at the same time, the international community must never let it happen again. That can be guaranteed only if accountability and the duty to make reparations for violations are enforced.

At the same time, urgent measures must be undertaken to end the unlawful Israeli blockade of the Gaza Strip, which has driven socio-economic conditions to deplorable levels. For two years now, since June 2007, Israel, the occupying Power, has deliberately obstructed humanitarian access, the movement of persons, including sick persons needing treatment unavailable in Gaza, and the movement of all goods, including the most essential goods such as food and medical and fuel supplies. This inhumane blockade has perpetuated the dire humanitarian crisis, especially among the most vulnerable, who continue to live amid the destruction and trauma of Israel's aggression due to its refusal to allow even the entry of materials essential for reconstruction, leaving over 50,000 people homeless and with wholly inadequate health care, clean water, electricity and sanitation. This situation has deepened the hardships and indignation of a civilian population that is unquestionably entitled to protection under humanitarian law and should not be left to the mercy of the occupying Power.

As long as Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council must act to uphold its responsibilities under the Charter of the United Nations and ensure compliance by Israel with international law and United Nations resolutions. If Israel as the occupying Power continues to defy the Council's calls, the Council must take appropriate and concrete measures to protect the civilian population and ensure respect for the instruments of international law that are supposed to provide civilians with protection from human rights violations and crimes, including in situations of foreign occupation. We are convinced that the international community has no choice but to make progress in this regard and create a different and safer situation than that faced today by the Palestinian civilian population under Israeli occupation.

The President: I give the floor to the representative of Switzerland.

Mrs. Grau (Switzerland) (*spoke in French*): Mr. President, allow me to thank you for organizing this open debate. I would also like to thank the Secretary-General for his report (S/2009/277) and the Under-Secretary-General, Mr. John Holmes, for his briefing.

My delegation would like to associate itself with the statement made by the Costa Rican presidency of the Human Security Network, of which Switzerland is part.

The concept of the protection of civilians is based on respect for the rules of international humanitarian law, human rights and refugee law. In this context, I would like to focus on the following aspects of the report: the challenges with regard to non-State actors, the fight against impunity, the ways by which the Security Council can enhance the protection of civilians, including the commissions of inquiry, and systematic information on humanitarian access.

First, Switzerland entirely shares the Secretary-General's analysis regarding respect for international norms by non-State actors. We believe that it is indispensable that the international community support initiatives of humanitarian organizations that engage non-State groups in order to improve the protection of civilians. At the operational level, we would like to welcome the systematic work of the International Committee of the Red Cross in particular, but also of the United Nations and certain non-governmental organizations that are committed to ensuring that armed groups respect their obligations with regard to civilians. The organization Geneva Call shows the potential in this area. In this regard, Switzerland supports the recommendation of the Secretary-General requesting a meeting held in accordance with the Arria Formula.

Furthermore, it is important to clarify the international law applicable to other non-State actors in armed conflict, such as private military and security companies. In this regard, Switzerland, in collaboration with the International Committee of the Red Cross, has taken an initiative that resulted last year in the Montreux Document. We would like to thank the Secretary-General for his support of this document.

Secondly, the fight against impunity is one of the pillars of implementation of and respect for international humanitarian law. States must take the necessary measures at the national level in order to ensure that international crimes do not go unpunished. Regarding the International Criminal Court, Switzerland particularly welcomes the recommendation that the Security Council do everything within its power to ensure the full cooperation of States with the Court.

Thirdly, it is crucial that there be investigations of any alleged violations of international humanitarian law, whatever the armed conflict or the perpetrator. We therefore support the recommendation to systematically request reports on allegations of violations of law and consider the creation of commissions of inquiry. In this regard, Switzerland recalls the existence of the International Humanitarian Fact-Finding Commission established by the First Additional Protocol to the Geneva Conventions. We encourage the Security Council to give a mandate to that permanent commission rather than appointing ad hoc commissions of inquiry.

Fourthly, the Security Council should have instruments to enable it to tackle the aforementioned challenges. In this context, we hail the establishment of an informal group of experts on the protection of civilians within the Security Council and support the recommendation calling for the group to meet prior to the establishment or renewal of the mandates of peacekeeping missions. The group can thus play an important role by drawing the Council's attention to any alarming situation with regard to the protection of civilians in armed conflicts.

Fifthly, as recent humanitarian crises have shown, humanitarian access in armed conflicts is central to the protection of and assistance to persons in distress. The annex provides systematic information on situations where such difficulties prevail. We encourage the Secretary-General to continue to gather and share with the Council the relevant data.

The President: I now give the floor to the Permanent Representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): Allow me first to congratulate you, Sir, on your work during your presidency of the Security Council for the month of June. In particular, I would like to thank you for convening this open debate, to which my country attaches special importance. I would also like to acknowledge the presence of Mr. John Holmes and to thank him for the briefing he gave this morning.

This is the tenth consecutive year that the Security Council considers the issue of the protection of civilians in armed conflict. In accordance with international humanitarian law, the protection of civilians in armed conflicts is a legal obligation of the parties to the conflict from which they are not relieved even if the counterparty or counterparties act in breach of it. It is regrettable that there are still situations in which that protection is not guaranteed, which has led to the Council's permanent consideration of the matter. We are therefore convinced that the Security Council must continue to be committed to the protection of civilians in armed conflict, to promoting full respect for international, humanitarian and human rights law and to combating impunity.

My delegation is grateful for the report (S/2009/277) of the Secretary-General on the protection of civilians in armed conflict. We deeply regret that, as it was 10 years ago, its conclusions are discouraging. There are still many situations in which civilians are the target of attacks, as evidenced by the unacceptably high number of victims among civilians, situations where children are recruited as soldiers and are subject to abuse, situations where sexual violence is a daily occurrence and other situations where thousands and even millions of persons are displaced and where it is impossible to deliver humanitarian assistance. The report of the Secretary-General very clearly identifies five challenges.

Eradicating armed conflict is one of the objectives of the Charter of the United Nations and of the international community as a whole. However, where conflicts exist, the parties are obliged to respect the basic rule — which originated even before the establishment of the Organization — that civilians must be protected from the effects of the conflict.

With regard to non-State armed groups in conflicts that are not of an international nature, it is clear that common article 3 to the four 1949 Geneva Conventions includes specific obligations that must be respected by the parties — that is, they apply also to parties that are not of a State nature.

With regard to peacekeeping operations and the protection of civilians, my country firmly believes that including protection activities in the mandates of United Nations missions is important to ensuring the effectiveness of humanitarian assistance in practical terms. However, the report of the Secretary-General and the conclusions of the workshop on the subject organized in January 2009 by Australia and Uruguay have underscored the need to develop clearer mandates that provide the necessary resources in an efficient and timely manner. In that regard, we await the independent study requested by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, which could serve as a starting point in continuing to address this issue.

Another important aspect of the protection of civilians is to guarantee humanitarian assistance. If, owing to the inability or lack of will of the parties involved in a conflict to fulfil their obligations under international humanitarian law, they should at least make every effort to guarantee the passage of shipments and materials and the delivery of emergency assistance. The other fundamental aspect of access is that persons escaping from combat areas must be allowed safe passage to places where they are protected from the hostilities.

With regard to the role of justice, that is an issue to which my country, by virtue of its not-too-distant past, attaches the outmost importance. Individuals who commit war crimes, genocide or crimes against humanity are responsible for very serious violations of the law, and must therefore be criminally accountable before the law. The Council has established two international tribunals, namely, for the former Yugoslavia and for Rwanda. In addition, the International Criminal Court is now fully operational. I would like to recall that the International Criminal Court is not a tribunal intended to supplant national justice; instead it operates when the latter is not functioning. In other words, ensuring accountability for such crimes under national systems is not only an obligation of States. As suggested by the Secretary-General, it could also help to alleviate some of the perceptions about the tension between the quest for justice, on the one hand, and the search for peace, on the other.

Allow me to conclude by reiterating that, under international humanitarian law and Security Council resolutions, attacks on civilians or other protected persons in situations of armed conflict constitute a blatant breach of international law. I urge strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva

Conventions and their 1977 Protocols, and the decisions of the Security Council.

The President: I now give the floor to the Permanent Representative of Canada.

Mr. McNee (Canada): I would like to thank you, Mr. President, and the delegation of Turkey for convening this important debate. Under-Secretary-General Holmes gave us a particularly cogent briefing at the outset, for which Canada is very appreciative.

This year marks the tenth anniversary of the first groundbreaking thematic resolution on the protection of civilians. Resolution 1265 (1999) and its sister resolution 1296 (2000) articulated clearly and specifically the linkage between the protection of civilians in situations of armed conflict and the Council's responsibilities for the maintenance of international peace and security. Collectively, the international community has built a solid international legal and normative framework. But the question remains: has that led to positive results for civilian populations? Since the last open debate on this issue, in January, a number of situations have demonstrated that critical gaps remain between words and actions.

In the Sudan, the expulsion in March of 13 international non-governmental organizations (NGOs) from the northern parts of the country, including Darfur, and the closure of three national NGOs have forced the scaling back of assistance and weakened humanitarian response capacity. In the meantime, peacekeepers are unable to fulfil their protection mandate.

In Sri Lanka, the intensification of fighting during the final months of the conflict led to significant numbers of civilian casualties. Hundreds of thousands of civilians were trapped in a shrinking area without shelter or basic services, under repeated shelling and used as human shields.

In Afghanistan, indiscriminate acts of violence remind us why the support for the international Mission and the Afghan people is so important.

Sharp increases in the numbers of displaced persons in Pakistan underscores that the international community's collective support for international humanitarian action is a critical component of protection efforts.

Canada welcomes the Secretary-General's most recent report on the protection of civilians in armed conflict (S/2009/277). It outlines key challenges and offers a practical road map for Council attention and action. This afternoon I would like to focus on three key elements in the report: the need for practical efforts, access and accountability.

First, 10 years of experience tells us that the language on the protection of civilians in Security Council resolutions does not automatically translate into clear mandates and operations on the ground. To bridge this gap, Council language must be translated into practical, field-based guidance for military and civilian actors, including civilian police, as John Holmes proposed in his briefing earlier. Those entrusted with protection must have the knowledge and training required to effectively fulfil this role, with particular sensitivity to vulnerable groups, such as women and children.

Canada was pleased to recently co-sponsor a conference at Wilton Park, in the United Kingdom, to examine the role for military peacekeepers in addressing sexual violence. The conference resulted in an inventory of good practices for peacekeepers to use in protecting civilians from sexual violence.

We also need to work together to assign appropriate accountabilities in order to ensure that mandated tasks are implemented. Canada applauds the commitment of the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) to more effectively operationalize the protection of civilians within peacekeeping mandates. We welcome the recent DPKO high-level seminar on robust peacekeeping, and we recognize the work of the Special Committee on Peacekeeping Operations, which included a reference to the protection of civilians in its 2009 report. My delegation also looks forward to the upcoming OCHA/DPKO lessons-learned study based on 10 years of implementing protection of civilians mandates in peacekeeping operations. The potential significance of this study should not be underestimated. Canada urges the Council to consider this study seriously and to act on its key recommendations.

It is also important to prevent gaps in coordination between peacekeeping operations and civilian agencies, which have a critical role to play in protecting civilians. Effective coordination between

peace and security, development and humanitarian actors remains key to ensuring that gaps are addressed and protection needs are met.

Secondly, Canada welcomes the Secretary-General's focus on humanitarian action. The question of access cuts to the heart of our ability to assist populations at risk, yet access is too often hindered or denied outright. Full, safe and unhindered access to populations in need must be provided. We welcome OCHA's efforts to monitor access constraints more effectively and report to the Council on this issue. Timely, credible information and analysis on access challenges are crucial in the development of effective responses.

However, when issues such as access are brought to the Council's attention, follow-up is vital. In its response, the Council must be willing consistently to draw upon key tools at its disposal, including deploying fact-finding missions, good offices, special envoys, monitoring missions and preventive deployments when civilians are at risk, and support for humanitarian and human rights agencies to promote compliance with international law. In addition, the Council must monitor its own resolutions and provide back-up to missions as necessary.

The Secretariat also has a role. In the Democratic Republic of the Congo, for example, field visits by the Security Council Expert Group on the Protection of Civilians, perhaps in conjunction with the Working Group of the Security Council on Children and Armed Conflict, could provide the Council with key information about humanitarian and protection needs and the conduct of the mandate.

The third issue remains front and centre, and that is the issue of accountability. Despite the existence of numerous provisions under international law, attacks against civilians, including humanitarian workers, often continue unabated. Such attacks must be seen as the crimes that they are. Accountability is critical. National authorities are responsible for exercising jurisdiction over those responsible for committing such crimes. When there is an unwillingness or inability to do so, the Council and the broader United Nations membership have a role to play in ensuring that those who commit serious violations of international human rights and humanitarian law are brought to justice.

(*spoke in French*)

Finally, the Government of Canada is pleased to see a reference to the Montreux Document (S/2008/636, annex) on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Canada is pleased to have participated in the debate that led to the adoption of this non-binding document intended to clarify international law as it pertains to private military and security companies. This compendium of good practices is a good guide for Member States, in particular in their relations with private security providers. We ask Member States to support this document and to advocate on its behalf.

Over the past 10 years, we have put in place an exceptional framework to guide our collective action. We have sought thereby to ensure that the Council and its mandated missions will never be at a loss for strategies to deal with the most serious situations in which civilians are at risk. In terms of the future, we have undertaken new initiatives to respond to emerging problems. Canada urges the Council to ensure that its actions are appropriate, to remain vigilant in its monitoring, and to exercise the necessary political will to deploy the full range of measures at its disposal to protect civilians.

The President: I now give the floor to the Permanent Representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Allow me to express to you, Mr. President, and, through you, to members of your delegation and your friendly country, Turkey, my delegation's thanks for having convened this meeting on the protection of civilians in armed conflict. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for introducing the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277).

We continue to see civilians paying the heaviest price in armed conflicts. The world has seen remarkable progress in the legal field and through international agreements in addressing the issue of the protection of civilians in armed conflict, beginning with the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and the many subsequent resolutions adopted by the Council. However, the striking paradox here is that the gap is widening between the texts and their application on the

grounds, in other words between what is legal and the practices on the ground regarding the protection of civilians in armed conflict.

Ten years have elapsed since this Council first debated this important theme. Delegations participating in this debate, Council members, the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the special rapporteurs are all demanding greater respect for international norms and laws that guarantee protection for civilians in times of armed conflict.

In that regard, let us recall the Security Council's most recent deliberations on this matter, on 14 January 2009 (see S/PV.6066). Those deliberations coincided with events witnessed by the entire world: brutal and flagrant aggression by Israel against the Palestinians in the Gaza Strip. At that time, most delegations demanded that Israel, the occupying Power, comply with international law and norms relating to the protection of Palestinian civilians in Gaza; they stressed the need to ensure the delivery of humanitarian assistance to those people and the need for an independent international investigation of the war crimes committed by Israel during that aggression.

Unfortunately, however, despite repeated demands by the Security Council and the international community that Israel cease its illegitimate policies and practices forthwith, Israel not merely ignored all those pleas and demands but escalated its aggressive action targeting unarmed civilians who were virtual hostages in that vast collective prison. To this day, Israel continues its policies of aggression against the Palestinian civilian population by imposing a siege, closing border crossings, carrying out detentions, forbidding movements by sick people and students, impeding the delivery of international aid in the form of supplies and medicine to the people of Gaza, imposing collective punishment, confiscating land, engaging in settlement activities, demolishing homes and burning farmland, in addition to its oppressive and arbitrary practices against the civilian Syrian population of the occupied Syrian Golan. It thus blatantly thumbs its nose at international legitimacy, international law and international humanitarian law.

Israel's criminal acts are a unique instance of the systematic and comprehensive breach of all international norms and principles set forth in international law, international humanitarian law, international human rights law, the Rome Statute of the International Criminal Court and the 1949 Geneva Conventions and their Protocols. Israel's aggressive behaviour is marked by a stain that no other usurper of land in history has borne: it breaches, en masse and without exception, the entire cumulative historical body of human law.

In a series of statements, most recently that of 14 January 2009 (S/PRST/2009/1), on the protection of civilians in armed conflict, the Security Council has condemned all violations of international law against civilians and has called on all parties concerned to put an end forthwith to such practices. The Council has also stressed that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians and to meet their basic needs, including by giving special attention to the specific needs of women and children. The Council recognized the needs of civilians under foreign occupation and stressed further, in this regard, the responsibilities of the occupying Power. It stressed the importance of safe and unhindered access for humanitarian personnel in order to ensure the delivery of assistance to civilians in armed conflict, in conformity with international humanitarian law. The Council also emphasized the responsibility of States to comply with their obligations to end impunity and to prosecute those responsible for war crimes, genocide and crimes against humanity.

Furthermore, in his most recent report, the Secretary-General stated grave concern at the high number of casualties in Gaza, in particular among children, and at the damage to homes and schools, including schools operated by the United Nations itself, as a result of the Israeli aggression. The Secretary-General also expressed concern at Israel's wide-scale use of cluster munitions and explosive weapons against civilian populations in Gaza. In his report, the Secretary-General states that Israel has persisted in imposing restrictions on the delivery of humanitarian assistance to Gaza and noted the broad impact on the lives of civilians. The report states that "[t]he cumulative effect of these restrictions and their unpredictability contribute to the protracted suffering of Gaza's civilian population" (*S/2009/277, annex, para. 16*).

My delegation carefully studied the Secretary-General's summary of the report of the Board of Inquiry he dispatched to Gaza. That report documents crimes committed by Israel against United Nations premises and against Palestinian civilians in those

premises, including women and children. It documents Israel's use of white phosphorus bombs and its responsibility for deaths and injuries within United Nations buildings, along with the damage caused to those premises.

Those are all war crimes, and the Security Council is obliged, more than ever before, to implement the recommendations of the Board of Inquiry, which was chaired by Mr. Ian Martin, and to hold Israeli leaders accountable for their repeated crimes, which are legally defined as war crimes, crimes against humanity and genocide.

Here we ask the Security Council to tell us: What international obligations has Israel met since the Council added this item to its agenda? Another important question to which an answer would be much appreciated is this: Why do we have a double standard for the implementation of international law, with Israel exempt from fulfilling the norms of international law? Or is there a crisis in the understanding of legal terminology, by which Palestinian civilians are considered to be unlike any other civilians in the free world?

The situation of Syrian civilians in the occupied Syrian Golan does not differ greatly from that of the Palestinians. The Israeli occupation authorities continue to pursue practices such as confiscating land, stealing water resources, laying mines and expanding illegal settlements. Israel also persists in oppressing the Syrian civilian population in the occupied Golan and throwing civilians into prisons and detention centres, without justification, in life-threatening conditions. Let me also cite in particular the case of a Syrian citizen, Bishr al-Mukt, with respect to whom my Government has appealed to the Secretary-General and to the International Committee of the Red Cross and other international institutions, urging them to intervene to save his life.

The most recent such practice in the occupied Syrian Golan was the imposition by the Israeli authorities of two years of house arrest against a two-year-old child, Fahid Lu'ay Shuqeir, on the excuse that he was born outside Israel when his parents were studying in Syria. In the same context, Israel persists in its policy of disrupting all forms of communication among Syrian families that have been torn asunder as a result of occupation. Also, the Israeli occupation authorities confiscated the Syrian identity cards of Syrian students studying at Damascus University when they returned to their towns and villages in the occupied Golan.

To lend credibility to this special debate, Syria demands that this Council bring pressure to bear on Israel in order to allow the immediate resumption of family visits by Syrian citizens through the Quneitra crossing. My country addressed letters on this matter to the Secretary-General, the President of the Security Council and the President of the General Assembly and to international governmental and non-governmental organizations, requesting that they intervene to resolve this matter. It is our sincere hope that all these parties will translate their positions that we have heard in this debate into realities on the ground, especially since international law considers that Israel's occupation of the Golan is double occupation, which requires double criminalization by this Council.

Israel was not satisfied by having occupied the Syrian Golan since 1967 but enacted an unjust and provocative decree to annex it. The Security Council unanimously rejected that decree in resolution 497 (1981), which considered Israel's annexation of the occupied Syrian Golan null and void and demanded that Israel rescind it forthwith.

The President: I next give the floor to the representative of Peru.

Mr. Chávez (Peru) (*spoke in Spanish*): I wish to thank you, Mr. President, for promoting the holding of this open debate and to thank the Secretary-General for the presentation of the report on the protection of civilians in armed conflict (S/2009/277). We also thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his comprehensive introduction to the subject on which we are meeting today.

The report of the Secretary-General mentions concrete progress that should be underscored, for example, the establishment of the Security Council Expert Group on the Protection of Civilians in response to a recommendation from the Secretary-General. The Group, which has already held a number of meetings, has substantively promoted the treatment in the Security Council of matters relating to the protection of civilians. That has contributed to the subject's being reflected in respective Council resolutions. That achievement, we believe, can promote the strengthening of the needed interaction between the

Office for the Coordination of Humanitarian Affairs and the Security Council, as indicated in the Secretary-General's report. Peru firmly supports this. The Expert Group needs to continue to work steadily, focusing on those cases that, as the report indicates, have not yet been definitively resolved, in spite of the passage of time and the efforts devoted to them.

We have all seen how the United Nations has been working, particularly in the Security Council, to promote and provide real protection for civilians in armed conflicts. In the past 10 years there have been many reports and resolutions that define steps and actions to be taken with regard to this problem. Nonetheless, it is very alarming to see in the report of the Secretary-General that in 1999 the situation was not substantively different from the current situation. In other words, there are still inexcusable situations where human rights and international humanitarian law are violated in the different conflicts that now persist. The civilian population, women and children in particular, are the main victims.

In light of this situation, the Security Council must maintain and promote concrete and effective action to ensure the protection of civilians in armed conflicts and of displaced persons and refugees. Therefore we urge the Council to effectively manage the complete implementation of its resolutions 1296 (2000) and 1674 (2006), which reflect the heart of today's debate — in other words, the responsibility of all Member States to protect the civilian population in armed conflicts. Along with those efforts, it would be desirable for the debate on the responsibility to protect to begin as soon as possible in the relevant forum.

Likewise, Peru resolutely supports the programmes and policies that promote the prevention of violence. That is why we must insist on the need for the full implementation of resolution 1325 (2000) so that grave cases of rape and other forms of sexual violence will be referred to the International Criminal Court. On that same issue, it is indispensable that States assume as a matter of priority their responsibility to execute justice and to punish those responsible for the crime as part of the integral approach to national reconciliation — which should be their goal.

We also share the views expressed by the Secretary-General in his report regarding the need to implement certain measures that will contribute substantially to actions undertaken to protect civilians in armed conflicts. Among others, we would underscore the promotion of respect for international humanitarian law and of compliance therewith by all parties to a conflict, in particular by non-State armed groups. Other measures include the strengthening of protection of civilians by making peacekeeping operations and other, related operations more effective and, lastly, broad access to humanitarian assistance and accountability when the law is broken. With these concrete actions we would be giving renewed impetus to the protection of civilians in armed conflicts.

Finally, we must recognize that in order to strengthen the protection of civilians once the conflicts have ended, resolute action should be initiated to build and strengthen, in the affected countries, institutions and the rule of law and to ensure stable economic conditions with development strategies. Those would be crucial steps towards consolidating any integral peace and development process, which would effectively combat poverty and social exclusion — problems that often lie at the origin of internal armed conflicts that we endeavour to prevent.

The President: I now give the floor to the new Permanent Representative of Australia and wish him continued health, happiness and success.

Mr. Quinlan (Australia): Thank you, Mr. President. At the outset, I would like to thank the Under-Secretary-General for Humanitarian Affairs for his briefing this morning and, through him, to commend the Office for the Coordination of Humanitarian Affairs for their tireless efforts in advancing the protection of civilians. I would also like to commend the Secretary-General for his latest comprehensive report (S/2009/277) on this very serious subject. The breadth of the report is striking and serves to remind us of the challenges we need to overcome if we are really serious about affording protection to civilians.

Given the constraints of time, it is not possible, obviously, to do justice to the report in its entirety; rather, I will focus my remarks on three areas of particular importance for Australia.

First, the question of humanitarian access remains a critical challenge for the Council and for Member States. It is vital that people in need have access to humanitarian assistance. While we may all agree on that broad principle, in practice constraints on access

deprive millions of vulnerable people of life-saving assistance. The annex to the Secretary-General's report helpfully seeks to unpack this issue, highlighting the key types of constraints that are faced and identifying practical measures that need to be taken to overcome them.

As emphasized by the Secretary-General, Member States need to increase their efforts to address these constraints to access. In particular, there is a clear need for action to streamline bureaucratic procedures to facilitate humanitarian assistance. While we welcome the efforts of many States in that regard, there remain too many instances where onerous bureaucratic restrictions jeopardize timely responses and add to the cost and reduce the effectiveness of humanitarian operations.

Furthermore, all parties to a conflict must respect international humanitarian law and protect humanitarian personnel, assets and facilities. To this end, it is important for all parties, including non-State actors, to cooperate with humanitarian organizations to establish arrangements that allow for the safe passage of humanitarian workers and relief items to affected populations.

We also support increased efforts to build partnerships and strengthen coordination between affected States, regional organizations, the United Nations system, the Red Cross movement, and the broader international humanitarian community. Strong partnerships built on trust and mutual respect are clearly essential to ensuring access.

The second issue I would like to touch on is the inclusion of protection of civilians tasks in peacekeeping mandates. The will to mandate for the protection of civilians has a growing consensus, as demonstrated by the recognition of such mandates in the report of the Special Committee on Peacekeeping Operations for the first time earlier this year. Nevertheless, there is a commonly identified gap between the strategic and operational levels in United Nations protection of civilians mandates. The absence of guidelines and training for peacekeepers on protection tasks contributes to the ineffective implementation of mandates. We would encourage the development of such guidelines and training to assist mission personnel in understanding how to effectively implement their mandates. We would also encourage closer cooperation between the Security Council, the Secretariat, and troop- and police-contributing countries in developing and implementing realistic mandates.

The third point I would like to touch on is that the Council needs to be more willing to consider country situations in which civilians are at risk. The experience of the past 10 years has demonstrated that the Council accepts its responsibility to address the protection needs of civilians in internal conflicts. We welcome the Council's attention to the needs of civilians in such conflicts, from Afghanistan to the Sudan, from the Democratic Republic of the Congo to Timor-Leste.

However, there is clearly a need for greater consistency in the Council's approach. Too often still, the Council appears unwilling to address the plight of civilians in many internal armed conflicts, notwithstanding the obvious destabilizing effects and regional consequences of such conflicts. In failing to do so, the Council falls short of its obligations under the Charter.

The Council does not want for policy options in addressing such threats. Chapters VI, VII and VIII of the Charter, as demonstrated by past Council practice, provide the Council with adequate tools to make a difference, including the condemnation of violations of international humanitarian law, targeted measures such as sanctions, the utilization of international criminal justice mechanisms to end impunity, and the authorization of the use of force. What is lacking at times, as we know, is the political resolve of the Council to use those tools to protect civilians and of the broader membership to support such Council action.

Australia looks forward to continuing to work with the Council, other Member States and the Secretariat in advancing our collective consideration of these important issues.

The President: I give the floor to the representative of Jordan.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): I should like at the outset to thank you, Sir, most sincerely for convening this important meeting and for leading the work of the Council so skilfully and wisely. We also thank your predecessor, the representative of the Russian Federation.

My delegation further wishes to thank the Under-Secretary-General for Humanitarian Affairs for his

briefing. We welcome the report of the Secretary-General (S/2009/277) on the protection of civilians in armed conflict and the recommendations contained therein.

Jordan supports the recommendation made by the delegation of Costa Rica on behalf of the States members of the Human Security Network.

Over the past 10 years, the Council has developed the concept of the protection of civilians in armed conflict, which has become one of the principal substantive thematic issues on its agenda. Despite some positive developments, a number of persistent challenges are hindering us from achieving our aim of protecting civilians, especially children, women and people with special needs. Jordan agrees that these challenges include enhancing respect for international law by parties to conflicts, including non-State armed groups and especially in military operations; strengthening protection by improving the effectiveness and resources of peacekeeping operations and other missions; facilitating access to humanitarian assistance; and ensuring accountability for violations of the law.

When we talk of the need to protect civilians in armed conflicts, the case of Gaza stands out among the ongoing concerns of our family of nations. We must apply the concept of the protection of civilians in armed conflict fairly and comprehensively. As the United Nations family has failed to implement this concept in the course of military operations and armed aggression, we should at least apply it following such operations. The two principal preconditions of human security, and the central tenets of the Human Security Network, are freedom from fear and freedom from want. The protection of all should be a priority for all United Nations Member States, united under the Charter, in which we affirm our deep faith in human dignity and values and basic human rights, the most important of which is the essential right to life.

The suffering of Palestinian civilians in the Gaza Strip did not stop with the end of the Israeli aggression, but persists under the restrictions on the delivery of relief and assistance imposed by Israel. This ongoing suffering has had an impact on social, economic and human activities in Gaza. Israel continues to prevent the delivery of basic construction materials for rebuilding the infrastructure and water and sanitary facilities. The border crossings remain restricted, hindering early recovery efforts. If for some reason all of this did not fall under the principle of the protection of civilians in armed conflict, the principle itself would have to be reviewed and redefined.

Jordan calls for full respect for humanitarian law and international human rights. It also upholds the distinction between civilians and combatants and the international instruments related thereto, and insists that all parties respect the principle of legitimate self-defence against armed aggression. Innocent civilians must not be deliberately or indiscriminately targeted in attacks. International humanitarian law tells us how people should be treated if they are not taking part directly in military operations. States should show their moral commitment by using their genuine political will to change the harsh realities on the ground experienced by civilians in armed conflict, including in cases of foreign occupation, where the victims are always civilians.

We agree with the Secretary-General that peacekeeping operations include components that enable them to have a direct impact on the protection of civilians. Jordan supports the inclusion of civilian protection mandates in all peacekeeping mandates. This should apply in particular to those civilians who are threatened by physical violence — without undermining the primary responsibility of the host country to protect civilians. Jordan is pleased that the report has proposed that peacekeeping operations assist host States with such missions, in order to create a climate of peace and security.

Successful protection of civilians requires a certain number of components. Those include a comprehensive approach, clarity in the mission mandates adopted by the Security Council, support to missions from the standpoint of resources, training and concepts of operations.

It is important to understand that the protection of civilians is not solely a military task. All components of a peacekeeping operation should help with the obligation to protect, as entrusted to the mission.

Finally, my delegation would like to state its readiness to take part in the efforts to develop the concept of the protection of civilians in armed conflict and to work with all parties concerned, and it welcomes the creation of a group of experts on the protection of civilians, as well as the convening of this meeting.

The President: I now give the floor to the representative of Italy.

Mr. Cornado (Italy): Thank you, Mr. President, for taking the initiative of convening this debate. Let me also express my appreciation to Under-Secretary-General Holmes for his thorough briefing on the progress achieved and on ongoing concerns regarding the protection of civilians in armed conflict. We endorse the five core challenges approach referred to in the Secretary-General's report (S/2009/277).

Italy fully associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union. I will touch on points of particular interest to my Government, keeping in mind my country's recent experience as a non-permanent member of the Security Council.

Italy is proud to have been one of the sponsors of resolution 1820 (2008), to whose drafting we actively contributed. Sexual violence as a tactic of war has emerged as one of the foremost threats to the civilian population in recent conflicts. Women and children bear the main brunt of that horrific practice. With resolution 1820 (2008), the Council stated loud and clear that this is a matter of international peace and security to which the utmost attention must be paid. Parties to conflict must immediately and effectively put an end to sexual violence and take special measures to protect women and children from it. Impunity must cease and those responsible must be held accountable.

We look forward to receiving the Secretary-General's report pursuant to resolution 1820 (2008). We will read it with attention and will consider its recommendations, and we hope very much that the Council will act upon them to make further progress in protecting women and children.

Whenever a peacekeeping operation is in place, civilians expect to be protected by United Nations forces. When that task is not fulfilled, the Organization's credibility is at stake. Failure to prevent civilian casualties and to ensure the safe return of refugees and the protection of children could engender mistrust and disappointment, and could ultimately put peacekeeping missions at risk. That is another reason why the protection of civilians should continue to be part of peacekeeping mandates and why peacekeepers should be properly trained and equipped.

The ongoing review of the peacekeeping doctrine is taking those developments into account. The concept of robust peacekeeping is now spreading through international seminars, the Secretariat's assessments and Security Council debates. Yet, as the Secretary-General's report highlights, the protection of civilians is not only a military task; it is a more inclusive challenge. Every component of a peacekeeping mission — military, police, civil, gender, human rights and child protection — has to contribute to achieving the protection goals.

During Italy's recent term as a non-permanent member of the Security Council, we supported the inclusion of civilian protection clauses in peacekeeping mandates. We did not stop there. Together with the United Nations, the Italian Government hosted a symposium on child protection in armed conflict in Rome three days ago. As the Italian Foreign Minister stated on that occasion, the ultimate goal is to spread awareness among the international community on the impact of armed conflict on civilians, especially children. As a concrete result of the event, joint training initiatives in this field are being considered by the Italian Government and the Department of Peacekeeping Operations.

Just as peacekeeping operations require instruments that are not only military in nature, international criminal jurisdiction should be viewed increasingly as a complementary instrument in the suppression of international crimes. It is States that, by adapting their laws and jurisdictions, should be the first to respond to serious breaches of law, such as war crimes and crimes against humanity, committed in their territories. At the same time, it is up to States — through collaboration with the International Committee of the Red Cross and other institutions competent in the field — to raise awareness of the basic principles and the importance of international humanitarian law, especially in the armed forces.

We are convinced that the protection of civilians requires further efforts to prevent the destabilizing accumulation of conventional weapons and to minimize their humanitarian impact as much as possible. Italy is therefore at the forefront of the fight against the illicit trafficking of small arms and light weapons and is actively engaged in the United Nations process towards a legally binding arms trade treaty establishing international standards — including the

respect for international humanitarian law and human rights — for transfers of conventional weapons.

Italy also strongly supports universal adherence to and full implementation of the Ottawa Convention on the prohibition of anti-personnel mines and the Convention on Certain Conventional Weapons — in particular its Protocol V, on explosive remnants of war — as well as the early entry into force of the Convention banning the cluster munitions that cause unacceptable harm to civilians.

I would like to conclude on a more general note by recalling the reaffirmation by resolution 1674 (2006) of the principle of the responsibility to protect, a cardinal achievement of the United Nations. That principle implies that sovereignty brings special responsibilities. Governments must protect their own populations, and the best way for them to do so is to promote human rights, the rule of law and democratic governance. Only when a Government is unable or unwilling to do so should the international community intervene. The responsibility to protect should not be perceived in a confrontational manner; it should be seen instead as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the 2005 World Summit Outcome (General Assembly resolution 60/1) are met.

Within that framework, the debate on the report of the Secretary-General will be a timely opportunity to build on the consensus achieved at the 2005 World Summit and concretely implement the responsibility to protect. Italy intends to actively participate in that debate.

The President: I now give the floor to the representative of Nicaragua.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): Allow me first of all to congratulate you, Sir, on your presidency of the Security Council. I am also grateful to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his introduction of the report of the Secretary-General (S/2009/277).

In a few months, we will mark a decade since the subject of the protection of civilians in armed conflict was first considered by the Security Council. My country considers it important to reiterate at this time a few basic points on that topic. First, the protection of civilians in armed conflict must be carried out within the framework of strict compliance with the principles contained in the United Nations Charter, with full respect for the national sovereignty and territorial integrity of the countries involved in a conflict. Although the principle of the protection of civilian populations is among the most commendable, we shall not allow it to be manipulated so that some interfere in the strictly internal affairs of sovereign States. Unfortunately, there is a plethora of examples of that type of manipulation in the history of Nicaragua, Latin America and the Caribbean in general.

The Secretary-General, in the report before us for consideration (S/2009/277), describes a way to strengthen compliance with the relevant international norms, but it is obvious that the Council has been selective in its approach and decisions in that regard. In fact, in its resolution 1674 (2006), the Security Council reaffirmed that it was essential to end impunity so that a society in conflict or recovering from conflict could come to terms with past abuses and prevent future such abuses.

Where then is the Council's resolve when it comes to the humiliated and tormented Palestinian population? Unfortunately, the day when the long-awaited justice for which the Palestinian people have been calling becomes a reality seems very uncertain and distant. Applying a double standard with regard to the protection of civilian populations inevitably undermines the credibility of this Council. It is that double standard that fuels, inter alia, the despair of a people who see no future other than that of the missiles launched against them by a Power with crushing military technology.

We also hope that where there are so-called coalitions or multinational forces, mechanisms for accountability and international justice will be developed, so that the words "collateral damage", used euphemistically by the military hierarchies of certain countries, will disappear from the international news and so that the relatives of the victims of the devastation of war by some will be compensated and justice applied.

With regard to the protection of civilians in imminent danger of physical violence, as the Security Council has provided for in the context of peacekeeping operations, it is important to reiterate that such a task must be accomplished in accordance with the purposes and principles of the United Nations

Charter and with the guiding principles of peacekeeping operations, which, I recall, include the consent of the host State. In peacekeeping operations, the protection of civilian populations cannot be consistently ensured without a broad peace process in which all interested parties participate and that is supported by the national authorities. It is therefore of primary importance that peacekeeping missions not only cooperate closely with the national authorities but also support them in carrying out their task of protecting civilians.

Similarly, the difficult and painstaking session of the Fifth Committee, that just concluded yesterday should serve as a lesson to the members of the Council. May it be understood once and for all that, in order to be able to implement the mandates voted on here in this Council, peacekeeping missions must be provided with all necessary resources. Those resources are vital to the provision of consolidated and specific training activities for each mission with a mandate to protect civilians, and to increase the operational capacity of the Blue Helmets and the national forces of the host country. In that regard, the General Assembly awaits the report of the Secretary-General requested by the Special Committee on Peacekeeping Operations on bringing approved resources in line with operation mandates.

Political crises that degenerate into armed conflicts are, in the overwhelming majority of cases, the symptom of social and economic crises that cannot be lastingly resolved without genuinely tackling the root of the problems. There will be no peace and security in the world without economic and social development for all. Only in that way will civilian populations be truly and effectively protected.

The President: I now give the floor to the representative of Morocco.

Mr. Bouchaara (Morocco) (*spoke in French*): Allow me, first of all, on behalf of the Moroccan delegation, to thank you, Mr. President, for organizing this important debate on the crucial subject of the protection of civilians in armed conflict. My thanks also go to Mr. John Holmes for his briefing at the beginning of this debate.

The protection of civilians has become a recurring topic in the face of violations by parties to armed conflict of their obligations under international law and international humanitarian law. The tragic experiences of terror and privation to which civilians are subjected in situations of armed conflict arouse our indignation.

In fact, the growing importance that the Security Council has accorded to this issue for 10 years is fully justified. But the negative observation in the Secretary-General's report (S/2009/277) that, despite the efforts made since 1999 and the various decisions taken by the Council, in particular the growing asymmetry of conflicts and their consequences for civilians impels us to rethink the concept of the protection of civilians and to broaden it to include the post-conflict phase.

The existence of conflicts and the persistence of some of them, sometimes for decades, are explained by many factors. Among those, we cannot ignore the sometimes active involvement of States of the region, either through their direct engagement or indirect participation, which contributes to the continuation of those conflicts and thus makes them more difficult to resolve. That is why the issue of good neighbourliness and regional cooperation in all its forms is often the key to any lasting solution that guarantees the protection and prosperity of the populations concerned.

The new wave of intra-State armed conflicts and armed rebel dissidence is, in most cases, the result of frustration generated by poverty, the poor distribution of resources, where they exist, and underdevelopment. Those armed conflicts, fuelled by trafficking in arms and drugs, have endangered the security of men, women, elderly people and children, who are often forced to flee for fear of reprisals, as targets of military attacks in flagrant violation of international humanitarian law.

Those intra-State conflicts have given rise to a proliferation of the tasks assigned to peacekeeping operations, including the protection of civilians. The execution of those tasks must be in accordance with the purposes and principles of the United Nations Charter, in implementation of the guiding principles governing the conduct of peacekeeping operations and based on the support of the international community.

The task of protecting civilians, in the context of peacekeeping operations that have such a mandate, is the primary responsibility of the host country, as affirmed by the most recent report of the Special Committee on Peacekeeping Operations, and therefore the missions that have such a mandate should

undertake their activities without prejudice to the primary responsibility of the host State.

It is also worth underscoring that the success of activities aimed at ensuring the protection of civilians, when they come under a United Nations mandate, requires the integration of efforts at all levels, the availability of resources and necessary means, the improvement of operational capacities and, above all, the mandates for the mandates of peacekeeping operations to be clear and feasible. Of course, it goes without saying that priority should be given to the political process itself, since deployment in a context where that is non-existent or compromised will not ensure the success of the mission deployed. The best guarantee for the protection of civilians has one name, that of peace.

When the 2005 World Summit endorsed the principle of the responsibility to protect, it did so taking into account the sovereignty of States and their primary responsibility to protect their own populations against any foreign intervention. As we see it, the implementation of this principle should be the subject of broad, multilateral and universal consultation to define the parameters and field of action of such protection. Likewise, the work of humanitarian organizations must be carried out judiciously and effectively, in accordance with the principles of justice, neutrality, objectivity and independence.

The instruments of international law, including the obligation to protect civilians in situations of armed conflict, are reflected in the Fourth Geneva Convention, the Additional Protocols, the human rights covenants and the relevant resolutions of the General Assembly and the Security Council.

Nonetheless, in spite of the existence of this legal arsenal, the Palestinian people continue to suffer terribly. The Council will recall that, last December, the Palestinian people in Gaza suffered military attacks and were the victims of the disproportionate use of force by Israel without any international protection leaving hundreds dead and thousands wounded, including many children, in violation of international law and international humanitarian law. This situation is all the more disturbing in that it is accompanied by unacceptable restrictions on humanitarian access, thus depriving the most vulnerable sectors of the Palestinian people of their most basic rights.

One factor fuelling the outbreak of armed conflict and causing physical and psychological harm to the civilian population is the proliferation of light weapons and their illicit traffic. The suffering inflicted on the populations affected by the proliferation of light weapons, particularly in Africa, requires serious regulation of the traffic in these weapons. My delegation associates itself with international efforts to develop international standards to regulate the import, export and transfer of such weapons.

Stepping up efforts to prevent and resolve conflicts through peaceful means and to consolidate peace in countries emerging from conflict will make it possible to stem the risk of recurrence and thereby to limit the scope of internal displacement and the number of refugees and to guarantee civilians their rightful protection.

Host countries must lend their full support to the efforts of the international community in order to facilitate, in accordance with international practice, the unhindered repatriation of refugee populations and to register them in conditions of complete transparency. The lack of reliable and regularly updated information on these populations will promote confidence neither among donors who give aid and assistance to the refugees nor among the parties to conflicts who are engaged in dialogue to resolve them.

Furthermore, there is a close link between peacebuilding efforts and the return of displaced and refugee populations. When the priorities of security, justice and reconstruction and the first dividends of peace are visible and concrete, populations that have fled a war and its consequences will return to their countries in the hope that they will find dignity and protection.

In this regard, we commend the Peacebuilding Commission for having included in its integrated peacebuilding strategies for the countries on its agenda provisions for the protection of children, such as the release of children who have been involved in armed groups and their reintegration into their communities, as well as a gender approach that gives equal opportunity to men and women ex-combatants or refugees to regain their rightful place and role in society.

Towards this end, the prospect of receiving professional training, physical and mental rehabilitation services, and rapid-impact economic

projects will facilitate the reintegration of these populations.

In other words, the approach to the tragic consequences of conflict must be as preventive as it is reactive. It is vital to address the principal causes of armed conflict directly in order to prevent their re-emergence. This preventive approach must include sustainable development, poverty eradication, good governance and the promotion of democracy.

The President: I give the floor to the Permanent Representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): At the outset, I wish to thank the delegation of Turkey for having convened this very important debate. The delegation of Uruguay welcomes the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277), presented this morning by the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes. The report constitutes an important input for advancing the discussion of this issue. Its issuance 10 years after this question was first considered by the Security Council raises expectations regarding not only the evaluation to be made about the progress made, but also concerning the core challenges that lie ahead.

In addition to being an ethical imperative that reflects the broad evolution of human consciousness towards ways of life whose core values are respect for life, integrity and human dignity, the protection of civilians also represents a legal imperative based on universally accepted rules of international humanitarian law. In the case of the protection carried out by the United Nations in the framework of a peacekeeping operation, these rules must include the consent of the host country and the existence of a Security Council resolution containing such a mandate.

Uruguay shares the view that, above and beyond humanitarian action, in order effectively to improve the protection of civilians this activity should be addressed through a comprehensive approach that also includes protection through peacekeeping, the promotion of the rule of law, political stability, disarmament, demobilization, reintegration, reconstruction and economic and social development.

Given time constraints, my delegation would like to take this opportunity to focus on two extremely sensitive aspects of this issue: the situation of the most vulnerable sectors of the civilian population in armed conflicts, such as women and children; and the protection of civilians through peacekeeping operations.

Once again, women and children are identified as vulnerable groups that require special protection. The attention given to this subject by various United Nations bodies, in particular in the General Assembly and the Security Council, has increased. Despite the considerable efforts made in this regard, a great deal of work remains to be done if we are to ensure the due protection that they are due.

It is imperative to ensure the inclusion of a cross-cutting gender perspective in all the work of the Organization, including in peacekeeping operations and in the field of humanitarian assistance. The number of cases of gender-based violence, including sexual violence, in situations of armed conflict is alarming.

Uruguay supports the increased priority being given to children affected by armed conflicts on the international agenda, and will continue to contribute to all efforts in this regard. We value the joint work of civil society with the entire United Nations system, including the Office of the Special Representative on Children and Armed Conflict, UNICEF child protection advisers and the staff of peacekeeping missions; to create sustainable child protection mechanisms.

We reiterate the need to pay greater attention to the reintegration of the victims of grave violations of their rights, in particular in cases of sexual abuse and exploitation. We believe that it is essential to tirelessly combat impunity for those responsible for violations in blatant contravention of international norms, especially against women and children. In that connection, we urge the Security Council to refer such cases to the International Criminal Court.

We are especially grateful for the report's annex concerning restrictions to access to humanitarian assistance. We agree that only safe, timely and unhindered access will make it possible to provide protection and assistance to those in need.

Any humanitarian response must be sustainable and take into account the development perspective. In that regard, it is essential to ensure the necessary building of capacities at the national level, in particular in cases in which constraints are due to the physical

environment. We regret that, in some cases, constraints are the result of Government policies or the practices of local actors who interfere with humanitarian operations. The reports of the Secretary-General must continue to request the facilitation of speedy and timely access for humanitarian assistance given the numerous obstacles that continue to be set up even in cases in which international humanitarian law requires such access.

Uruguay reiterates the urgent need to preserve and strengthen the norms of international humanitarian law in order to ensure the full implementation of the principles of humanity, neutrality, impartiality and independence. It is also crucial to facilitate access to humanitarian personal and ensure that they have the proper security conditions in which to carry out their tasks.

Enhancing protection by improving effectiveness and providing greater resources to peacekeeping operations is one of the five core challenges identified in the report of the Secretary-General, which stresses that the inclusion of protection activities in the mandates of peacekeeping missions, which began in 1999 with the United Nations Mission in Sierra Leone, is among the most significant of Security Council actions on this issue.

Uruguay acknowledges that the Council has played a pioneering role in the development of this concept, and especially in translating it into reality. Nevertheless, we take this opportunity to emphasize the importance of achieving the broadest possible support for this issue, in which the lives of innocent people and the credibility of the United Nations are at stake.

A wider base of support would not ensure greater legitimacy for and less resistance to these efforts, but would also produce a deeper commitment among all actors involved in implementation. For instance, it should not be forgotten that those responsible for implementing the civilian protection mandates of peacekeeping operations adopted by the Security Council are by and large troop-contributing countries from the developing world. Those countries have very limited opportunities to participate in or influence the process of developing those mandates.

In that connection, we believe that this is a good time to highlight the significant effort made by Member States in March when the Special Committee on Peacekeeping Operations decided to take up this issue for the first time. As we pointed out on that occasion and as various participants on the ground indicated at the workshop we co-hosted with Australia earlier this year, there is a need for clear guidelines that emanate from equally clear and realistic mandates, as well as for specialized training for those who must implement this complex task. Above all, there is a need for appropriate resources.

It is essential to ensure that certain conditions exist so that this effort can be carried out effectively and while protecting the physical and emotional integrity of those who undertake it. In that regard, there must be a close correlation between mandates and resources. Too often, civilian protection mandates do not include the necessary and appropriate human and material assets. It is therefore essential that those resources be sufficient to undertake this complex task successfully to the benefit of all.

Finally, the delegation of Uruguay looks forward to the joint report of the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. We hope to be able to continue to participate constructively on the discussions on this issue.

The President: I now give the floor to the Permanent Representative of Kenya.

Mr. Muita (Kenya): I have the honour to participate in today's debate. At the outset, let me express my appreciation to you, Mr. President, for organizing this important debate. I also thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing this morning.

My delegation welcomes the Secretary-General's latest report (S/2009/277) on the protection of civilians in armed conflict. This year marks the tenth anniversary of the first consideration by the Security Council of the protection of civilians in armed conflict as a thematic issue. The Council's continued consideration of this agenda item, including its integration of protection concerns into peacekeeping mandates, indicates the Organization's commitment to protect civilians in conflict situations. It has also resulted in concrete proposals and decisions intended to improve the lives of countless men, women, girls and boys affected by the horrors and indignities of war

through increased efforts to fight impunity at the national and international levels.

While words have not matched actions on the ground, some achievements have nevertheless been realized in this area. Thy include increased engagement by the Council through the adoption of relevant resolutions — including resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) — on the protection of civilians, the adoption of the aide-memoire on the protection of civilians and the establishment of the Council Expert Group on the Protection of Civilians to mainstream protection into the Council's action and the prioritizing of civilian protection in peacekeeping mandates. Nevertheless, there some considerable challenges remain. I would like at this juncture to highlight a few of those that are of concern to Kenya.

First, with regard to civilian protection mandates, my delegation appreciates that the protection of civilians is currently mandated in a number of United Nations peacekeeping missions. However, it remains largely undefined as both a military task and as a mission's wider task. The Council therefore needs to provide clear guidelines that underline the importance of a comprehensive approach involving all components of a mission on how to deliver on the task. There is also a need to ensure that available capacity and resources are deployed for the task at hand and made available in a timely manner. It is also necessary to emphasize that peacekeeping missions should conduct this task without prejudice to the primary responsibility of host nations to protect civilians.

Secondly, with regard to humanitarian access, access during conflict is a fundamental prerequisite for life-saving assistance. It is therefore important to provide a secure environment in order for humanitarian workers to have access to civilians in need, including displaced persons. While current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian providers are commendable, significant challenges remain at the operational level, where peacekeepers lack the capacity to reach the entire threatened population. There is, in this regard, urgent need to address and streamline this aspect to avert large-scale population displacements and widespread human rights violations.

Thirdly, sexual violence is no longer a simple by-product of armed conflict. It has turned into a tool of warfare aimed at dehumanizing and instilling fear in the civilian population in order to achieve political and military objectives. While the adoption of resolution 1820 (2008) against sexual and other forms of violence against civilians in conflict situations, in particular women and children, was a step in the right direction, a lot is still required to enhance its implementation. We need to move from words to deeds so as to ensure the protection of sexually vulnerable populations in armed conflict situations.

As I conclude, my delegation reaffirms Kenya's commitment to the protection of civilians in armed conflict and to guaranteeing their rights in accordance with the Charter of the United Nations. Together, we need to create a culture of protection in which Governments fulfil their responsibilities, armed groups respect the norms of international law and the private sector recognizes the impact of its commitments to countries in conflict.

Finally, Kenya urges this Council, the entire United Nations, Member States and regional and international organizations to act in a swift and decisive manner when civilians are threatened in armed conflicts.

The President: I give the floor to the representative of Afghanistan.

Mr. Ayoob (Afghanistan): It is an honour for me to participate in this debate. On behalf of the Afghan delegation, I would like to begin by congratulating you, Mr. President, on your assumption of the presidency of this Council and by thanking you for holding this meeting today, which is highly important for my delegation. I would also like to thank Under-Secretary-General John Holmes for his typically concise and insightful presentation this morning. Finally, I thank the Secretary-General for his thoughtful and comprehensive report and its annex on constraints on humanitarian access (S/2009/277).

The United Nations has brought serious attention to the plight of suffering civilians caught in the crossfire and established a comprehensive framework in the Security Council to deal with the protection of civilians in armed conflict. However, with the recent trend towards asymmetric conflicts and the tendency of non-State actors to use civilians as human shields or worse, this work is even more essential.

The Government of Afghanistan, with the assistance of our friends in the international community, is making good progress in providing Afghans with the opportunity for a better life, while the enemies of Afghanistan continue to bring more suffering to the civilians of that war-stricken nation, in particular its women and children.

As numerous United Nations reports have detailed, the Taliban and their local and international allies are showing an increasingly blatant disregard for human rights in Afghanistan. They rely increasingly on the use of improvised explosive devices detonated in high-density civilian areas, causing indiscriminate damage and loss of life and affecting predominantly women and children. The Taliban have stepped up their use of assassinations, school attacks, kidnappings and threats targeted against those accused of cooperation with the Government of Afghanistan or the international community. They continue to use civilians as human shields, milking accidental tragedy for their own propaganda.

The Taliban have two simple aims. First, they want to terrify our citizens and convince them that they are helpless and cannot trust the international community or their Government to protect them. Secondly, they seek to divide Afghans and the international community, weakening us both. We cannot and shall not let them succeed in either of their goals.

Unfortunately, in the course of our fight against terrorism, sometimes civilians have become victims of our actions as well, however unintentionally. Every civilian death hurts our cause. Every death undermines the faith of the people in their Government and weakens our most valuable asset in the rebuilding of Afghanistan: the Afghans themselves. The Afghan people rightly expect that efforts to fight terrorism would be part of a larger counter-terrorism effort rather than vice versa. Their security should be central.

The best hope for the Afghan people is the continuing support of the international community, and Afghans are more aware of this than anyone. We all understand the necessity of defeating the brutally violent and dark-minded elements who wage war on peace, stability and prosperity in our region and in the world. Our allies have sent their sons and daughters to fight on foreign land, and Afghanistan is profoundly grateful for that. Without the assistance of the international community and its military presence, our people would not have escaped the repression and brutality of the Taliban era and would not now have a better future in sight.

The safety of each person and the prevention of the deaths of innocent civilians are critically important to us, and the Government of Afghanistan has raised this issue repeatedly with our friends and allies. Afghans should be made to feel that their security, safety and dignity are the centrepiece of our fight against terrorism. We welcomed the recent reviews of this issue, and applaud the decisions of the United States and NATO to improve the rules of engagement in populated areas, minimize the use of air bombardment and make human security a priority in our strategy.

In addition, it is fundamentally important that the international community focus on and do more in terms of the professional training and better equipping of our growing Afghan National Army and Police forces, so that the Government of Afghanistan is able to take more — and eventually all — responsibility for the protection of its citizens. The main goal of the Afghan Government and our allies in fighting terrorism is to bring about a better future for the Afghan people. Therefore, while fighting their enemies, we must take every measure to protect them and ensure that they do not become victims of that conflict and that they have the opportunity to build their lives in safety and dignity.

The President: I give the floor to the representative of Sri Lanka.

Mr. Chandra (Sri Lanka): I join previous speakers in expressing appreciation to you, Mr. President, for convening today's open debate. I would also like to thank the Secretary-General for his report (S/2009/277).

The Secretary-General's report provides useful information and analysis for us, the Member States, to address the complex but essential issue of protecting civilians in armed conflict. As noted by the report itself, the protection task cannot be understood and addressed in humanitarian terms alone, as it requires focus and action on a multiplicity of different areas, ranging from politics to human rights to disarmament.

While the report correctly outlines a framework of core challenges in this field and notes that the

Council has reflected several of these complexities in some of its resolutions, albeit inconsistently, the report itself suffers from selectivity of language and situations in dealing with different countries. It must also be noted that the synthesis in the report cannot be looked at in isolation as a set of all-purpose guidelines that can be applied regardless of the circumstances.

The recent situation in my country, which is also referred to in the report with considerable factual inaccuracies in some places, was one where a terrorist group took a large number of civilians hostage and used them as a human shield. The children of those civilians were forcibly conscripted, suicide attacks were launched on civilians who exercised their legitimate right to seek protection by leaving the area of conflict, adults were used for forced labour and a large portion of the food and medicine delivered to those civilians by the Government and agencies including the United Nations were forcibly taken by this terrorist group. All appeals of the international community to the terrorists to release the civilians went unheeded.

In those circumstances, security forces had to facilitate the rescue of the civilians from the unsustainable hostage situation created by the terrorists and to bring an end to the conflict that would have otherwise prolonged the suffering. It is necessary, therefore, to recognize the extraordinary challenges and new situations that constantly confront elected Governments in dealing with such unrelenting groups and to find new ways to address those challenges from the lessons learned.

Our recent experience showed how non-State actors taking cover in civilian garb used schools and hospitals for terrorist operations in order to deceive the world by blurring the distinction between civilian and military targets. Non-State actors pay scant attention to international norms and standards and do not feel bound by any legal framework. The country, the region and the international community have recognized and acknowledged that by bringing the conflict in Sri Lanka to an end, further loss of lives and prolongation of suffering have been prevented for our people.

As in most conflicts — especially those involving a ruthless and unrelenting terrorist group such as the Liberation Tigers of Tamil Eelam (LTTE) — the ending of the conflict inevitably had its cost in terms of loss of life, property and national wealth. But the Government is gratified that, due to the professionalism and sacrifices of the soldiers, there was no cataclysmic scenario, as some had predicted. We need to recognize that this effort by the security forces succeeded in bringing to safety hundreds of thousands of civilians from a terrible hostage situation and a human shield created by that terror group, the LTTE.

Member States also need to address the causes of the escalation of armed conflict. The proliferation of illicit arms has contributed to the spread of violence and terrorism everywhere. Unless we are able to stop such proliferation, as agreed in Council resolution 1612 (2005), civilian safety will remain at stake and our best efforts to deal with the humanitarian consequences of conflicts will soon exceed existing capacities and available resources. While measures can be imposed, albeit selectively, on States legitimately engaged in protecting their civilian population from terrorists, non-State actors such as terrorist groups, on the other hand, can have relatively easy access to illicit weapons. This is because there is no dedicated international regime to conduct surveillance, let alone interdict such illicit arms trafficking.

On the other hand, external actors such as diaspora communities openly fund arms purchases aimed at destabilizing States, while receiving support and protection in their host countries; and their criminal agents cross international boundaries at will, unchecked. The smuggling of arms in international waters and across boundaries continues rendering regimes such as Council resolution 1373 (2001), rather ineffective in this area.

There is also a need to recognize the legitimate role of the military in civilian protection, although we can agree that it is not an exclusive role. It is noteworthy that protective responsibilities are part of the mandate of United Nations peacekeeping forces, and their valuable contribution in that regard has been noted.

The role of Governments in civilian protection should be respected, as it is their primary responsibility to protect their own citizens, especially in times of armed conflict. United Nations and other humanitarian agencies must support and assist Governments and in doing so be sensitive to ground realities including respect for the sovereignty of States. The principle of unimpeded access for humanitarian personnel must be respected, but one cannot disregard the State's

responsibility to ensure the safety and security of humanitarian personnel, as terrorists do not distinguish between military and humanitarian personnel in their attacks.

It must never be overlooked that the military, often at huge cost to its personnel, must brave the dangers of suicide terrorism to bring civilians out of harm's way. Therefore, military and humanitarian personnel must seek to work in partnership, and their responsibilities towards civilians must be addressed through regular dialogue and consultation in places where civilian protection is at stake.

Therefore, we should look at measures to build the capacity of military personnel and peacekeeping forces to deal with civilian protection activities. This becomes particularly pertinent given that we are dealing increasingly with internal conflicts.

Another inevitable consequence of armed conflict is internal displacement. The Secretary-General's report brings out the concern that internal displacement is on the rise globally. Council resolution 1674 (2006) addresses this issue. Internal displacement poses several challenges. Key among them is that armed groups use displacement to exploit civilian populations, sometimes by masquerading among them. In that context, civilians have a right to be protected, and the State has the primary responsibility not only to provide for the welfare of displaced civilians in terms of food, clothing, medical care and shelter, but also to ensure their safety and to take necessary measures in that regard.

Unfortunately, these ground realities are not understood or considered by those who look at civilian protection in isolation and who apply generalizations regardless of the specific circumstances. That would also apply to resettlement, where, in some situations, uncharted mine fields laid by armed groups, unexploded ordnance and booby traps have to be cleared — quite apart from the reconstruction activities that create conditions conducive to resettlement in secure surroundings.

The cost of armed conflict for civilians is a matter of concern to all democratic and elected Governments. Quite often, and quite naturally, the focus on civilian casualties is centred on the loss of life and property damage caused in military operations, while insufficient consideration is given to the thousands of lives lost in suicide attacks on civilian targets by non-State actors.

In my country, over a period of 26 years, many lives were senselessly lost due to suicide terrorist attacks on our Central Bank, the central bus station, passenger trains and other public places. From the standpoint of civilian protection efforts, efforts to end prolonged conflicts which have resulted in massive casualty tolls and where so many lives could be saved should be recognized as a priority. It is agreed that more attention needs to be paid to the issue of making armed groups compliant. In this regard, our Government would welcome more openness on the part of United Nations agencies with regard to sharing outcomes from the monitoring of compliance by armed groups to ensure that appropriate measures are taken by the Government to protect civilians from armed groups.

However, United Nations agencies seeking compliance by concluding instruments with non-State armed groups should do so with the concurrence of Governments and be cautious of terrorist groups seeking legitimacy. Censure of armed groups should not be confined to rhetoric. Experience tells us that the measures suggested to engage such terrorist groups are less effective than targeted measures, taken bilaterally, that compel the key diaspora figures of such groups to move away from promoting and funding extremism. It is also agreed that more in-depth consideration of this issue is needed. However, it would not be useful to conduct such a discussion in limited forums without involving the larger membership, given the geographic spread of such groups and their networking in the diaspora.

My delegation hopes that the Council's debate on protection of civilians will facilitate practical decisions based on realities on the ground. The challenges facing us are primarily of a practical nature, requiring more international cooperation and greater coordination between the United Nations bodies and Member States. It is for this reason that my delegation has sought to share our experience and for all of us to invest greater efforts in preventing conflicts and their recurrence and to respond practically and proportionately to situations affecting civilian populations.

For Sri Lanka, one of the longest-standing democracies in our subregion, this period was also extremely difficult and, in a way, defining. We

appreciate the Council's concerns because they are also our shared concerns. We have endeavoured to cooperate constructively with the Secretary-General and the Council without being divisive or confrontational while the Government dealt with the complex challenge of countering a ruthless terrorist group that shunned and sabotaged all genuine attempts at negotiations for over 25 years and brought harm and suffering to the very people whom it said it was seeking to represent. On Sri Lanka's part, the Government reiterates that the framework which the Secretary-General and President of Sri Lanka agreed upon in their joint statement would be the basis on which we will continue to cooperate with the United Nations in the post-conflict period as we look forward to the priority tasks of rehabilitation, reconstruction, reconciliation and launching the political process.

In conclusion, we would like to acknowledge the valuable contribution of the United Nations agencies, particularly the Office for the Coordination of Humanitarian Affairs, and other national and international partners in providing support and assistance to the Government's efforts towards the relief, rehabilitation and resettlement of the affected civilians.

The President: I give the floor to the representative of Indonesia.

Mr. Natalegawa (Indonesia): I should like to begin by thanking you, Sir, for organizing this meeting, and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, for his statement.

Notwithstanding the pronounced focus on the issue of the protection of civilians in armed conflict over the past decade, the deplorable fact remains that civilians continue to fall victim to violence. Persistent violations include the deliberate targeting of civilians, the indiscriminate and excessive use of force, and sexual and gender-based violence in violation of international law, human rights law and refugee law. Indeed, in many instances we have witnessed attacks on relief workers, humanitarian aid convoys and others engaging in humanitarian assistance to civilians suffering the effects of war.

Indonesia has been and will continue to be firmly committed to addressing the impact of armed conflict on civilians. We are cognizant of the five core challenges to their protection identified in the Secretary-General's report (S/2009/277). We concur that the failure of parties to comply fully with their obligation to protect civilians in armed conflict is key. In this respect, all parties to armed conflicts should adhere to relevant international law, including the 1994 Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol.

We value the Security Council's efforts, consistent with its Charter-mandated responsibilities, in protecting civilians in armed conflict, which merit the wide support of regional and international actors alike. At the same time, it is worth underscoring that the best protection from armed conflict is its prevention and resolution. The Council should spare no effort in this area.

By the same token, the Security Council should lend its full support to the efforts of regional organizations in addressing dire humanitarian situations. A culture of protection must continually be promoted through regional and international organizations. This would sustain attention on the issue and promote concrete action by the various actors.

It is Indonesia's view that that there are at least three key prerequisites with regard to this crucial issue. First, respect for humanitarian principles needs to be continuously maintained. The rapid and unimpeded access of humanitarian personnel should be ensured, consistent with international humanitarian law. Likewise, humanitarian personnel are subject to the principles of humanity, neutrality, impartiality, independence, and respect for the sovereignty, territorial integrity and national unity of States. Secondly, in the conduct of hostilities, parties should do everything feasible to protect civilians and civilian objects. Thirdly, examples of good practices should also be noted and, where feasible, implemented to ensure that populations in urgent need enjoy consistent assistance.

Finally, let me reiterate that all efforts to protect civilians in armed conflict must be founded on the tenets of human rights, security and development — the three pillars of the United Nations. These three principles should be reflected in the next report in commemoration of the tenth anniversary this coming November. The tenth anniversary should also serve to maintain the momentum by strengthening the United Nations system's capacity to work in a coordinated, coherent, comprehensive and cooperative manner with

Member States and other stakeholders. An approach that includes development and humanitarian dimensions is required, and must be supported by the political will of States to ensure that civilians are protected in times of armed conflict and in times of peace.

The President: I now give the floor to the representative of Georgia.

Mr. Lomaia (Georgia): The protection of civilians in armed conflicts is among the priorities of the Human Security Network, and I would like to thank the Turkish presidency for the organization of this important debate. In recent years, the international community has kept the issue firmly on its agenda.

The delegation of Georgia fully associates itself with the statement made by the Czech presidency of the European Union.

Last year, the citizens of my country suffered a massive foreign military invasion, followed by the occupation of up to 20 per cent of our territory. This war took the lives of 600 citizens of Georgia, most of them civilians. Over 130,000 were forced from their homes in a move that was branded as ethnic cleansing by a major European intergovernmental body. Satellite images obtained by the Operational Satellite Applications Programme of the United Nations Institute for Training and Research confirm the deliberate and targeted destruction of dozens of villages inside the territory occupied by regular Russian forces and proxy militia.

For many of my displaced compatriots, the horror of ethnic cleansing continues as we speak. As a matter of policy, tens of thousands of them are being prevented from returning to their homes or what is left of their homes in the occupied territories. As Mr. Walter Kalïn, the Representative of the Secretary-General on the human rights of internally displaced persons, puts it in his report: "An estimated 37,600 ... will not be able to return in the foreseeable future" (A/HRC/10/13/Add.2, para. 58). This policy represents a third wave of ethnic cleansing, with the first two carried out in another occupied Georgian province, Abkhazia, where 400,000 citizens of the pre-war population of 550,000 were either killed or expelled — including, most recently, 3,000 men and women in the past year.

We take note of the report of the Secretary-General on the issue. Here, I would like to draw the Council's attention to the issue of the humanitarian blockade of the occupied territories, and to provide an update on the situation on the ground. It is a fact that the Russian occupying forces have been completely blocking access of humanitarian aid to the occupied territories, requiring humanitarian missions to enter the Tskhinvali region of South Ossetia exclusively via Russian territory. This policy represents yet another breach of the principles of international humanitarian law, as well as of paragraph 3 of the European Union-brokered ceasefire agreement. A number of international organizations have protested against that policy. The blockade turns the occupied territories into a black hole where people are deprived of their basic rights and humanitarian aid is simply not allowed.

No one will be surprised to learn that it is with the same lack of constructiveness that Russia has refused even to consider a compromise solution to the problem that envisaged allowing double and simultaneous access to the territories from both the northern and southern directions. It should be reiterated that the Government of Georgia, as well as the entire international community, regrets the termination of the activities of the United Nations Observation Mission in Georgia (UNOMIG), due to the single — I emphasize single — Russian vote cast against it. This constitutes a clear violation of paragraph 4 of resolution 1866 (2009), which calls for "facilitating, and refraining from placing any impediment to, humanitarian assistance".

The termination of UNOMIG's mandate was meant to reduce the level of protection for human rights in occupied Abkhazia. It is also aimed at creating yet another obstacle to the safe and dignified return of internally displaced persons and refugees to their homes, in contravention of a number of resolutions of this Council and the General Assembly. We are convinced that to better address these needs, we have to substantially enhance the presence of the relevant United Nations agencies — such as the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and the United Nations Development Programme, among others — inside the occupied territories of Abkhazia and the Tskhinvali region of South Ossetia.

My Government joins the call to take this opportunity to reinvigorate our joint commitment to

making the protection of civilians a reality for all those caught up in conflict.

The President: I now give the floor to the Permanent Representative of Guatemala.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): We are pleased to take part in this debate under your presidency, Sir, on the protection of civilians in armed conflict. This issue is of extreme importance not only for the Security Council but for the United Nations system as a whole. My delegation welcomes the valuable report of the Secretary-General (S/2009/277), as well as the briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, containing information and concrete proposals to enhance the United Nations collective capacity to protect civilians in armed conflict, a vulnerable group that merits our immediate attention.

While noting the conclusions and key proposals identified in the report of the Secretary-General, my delegation wishes to comment on their eventual application and importance. Ten years have passed since the first debate in the Security Council on the protection of civilians. While there is no doubt as to the importance of all the reports, resolutions and actions of the past decade, the report of the Secretary-General reveals that the situation confronting civilians in current conflicts is depressingly similar to that which prevailed in 1999. Civilians still account for the vast majority of casualties and continue to be targeted and subject to indiscriminate attacks and other violations by parties to conflicts. Any progress will therefore remain relative if it is not accompanied by substantial improvement in the protection of civilians on the ground.

With regard to the five core challenges outlined by the Secretary-General, given the need for determined action within and beyond the United Nations to enhance the protection of civilians, we wish to be a part of the proposed culture of protection. In that regard, we offer our firm support for the reinvigorated commitment noted by the Secretary-General and wish to make the following specific observations.

First, regarding compliance with international law, our efforts should not be limited to ensuring respect for existing norms, but should also be aimed at strengthening them. The inability of the parties to a conflict to respect international law applicable to armed conflict exposes civilians to the harshest effects of hostilities.

Secondly, in order to promote compliance by non-State armed groups, we must engage in outreach aimed at sensitizing such groups, as well as civil society, to the importance of maintaining the strictest respect for civilians, international humanitarian law, human rights and refugees.

Thirdly, enhanced protection of civilians will depend on a broad scope of action by the Security Council. We support a multidimensional approach, addressing all aspects of the protection of civilians through thematic and country-specific and group-specific considerations. The effectiveness of protection will also depend on other external factors, some of which we have the power to affect, such as the allocation of adequate resources, the number of personnel on the ground, and the logistical and tactical capacity-building.

Fourthly, access to humanitarian assistance, while not recognized as an obligation under international law, is undoubtedly a fundamental prerequisite for humanitarian action. We are concerned by the reversals experienced in this area in recent years. We welcome the annex to the report of the Secretary-General, which contains an analysis of the restrictions to access, and hope that its recommendations will soon become concrete measures.

Fifthly, with regard to accountability for violations, we must remember that the Security Council is not a legal, but a political body, entrusted with the maintenance of international peace and security. Therefore, we must turn to international cooperation and mutual assistance in criminal matters, as the report proposes, through measures directed at States.

To conclude, in view of what I have said, allow me to mention one subject that cannot be omitted from our debate today and is of particular relevance in meeting the previously mentioned challenges. Our delegation is among those that consider paragraphs 138 and 139 of the 2005 World Summit Outcome (General Assembly resolution 60/1) to be one of the most important achievements of that meeting. The development of the doctrine of humanitarian law in the past years marks, in our opinion, an important step forward. The primary responsibility to protect civilians falls on States, and they, in turn, are obliged to seek

international help when they cannot provide it. In the coming years, both the General Assembly and the Security Council will have a very prominent role to play to make that concept operational; this offers an opportunity to continue improving the United Nations assistance framework.

We must collectively ensure that populations at risk have access to the best possible protection at all times. The Security Council and the entire international community will be judged by their capacity to protect the most vulnerable. That is a challenge to which we must immediately respond.

The President: I now give the floor to the representative of Norway.

Mrs. Juul (Norway): Norway welcomes the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277), and especially the recommendations on improving humanitarian access, upholding humanitarian law, the safety of humanitarian workers and holding violators of international humanitarian law accountable. A key issue ahead will be how to translate the recommendations of that report into decisions by the Council and, ultimately, into results on the ground.

Norway also looks forward to the independent study on protection mandates for peacekeeping operations, to be presented shortly by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. We expect that the study will provide concrete guidelines on protection that can quickly be effectuated in the field. Here Member States — and not only troop-contributing countries — should pull together to provide the necessary systematic training, based on the forthcoming guidelines on protection.

Norway would like to take this opportunity to focus on two main issues, namely the need for increased respect for international humanitarian law and the need to effectively combat sexual violence and rape in armed conflict. The many violations of humanitarian law that we have seen in the past few years, in particular with regard to the protection of civilians in armed conflict, is a cause for grave concern. The targeting of civilians has serious humanitarian consequences and represents a threat to peace and security. There is an urgent need to strengthen respect for international humanitarian law in order to improve the protection of civilians in armed conflict.

A key concern is to secure humanitarian access to those in need of assistance. We also need to ensure that those who violate international humanitarian law are held accountable. There is a need to strengthen the obligations of States and non-State actors with regard to international humanitarian law. Promoting respect for international humanitarian law requires engaging also non-State actors. We welcome the proposal by the Secretary-General to hold an Arria formula meeting to discuss the experiences of the United Nations and non-Governmental actors in engaging armed groups.

Women and children are often forced to bear the heaviest burden when it comes to the consequences of armed conflict. Sexual violence and rape occur every single day in armed conflicts and have tragic consequences not only for the individual, but for the whole community. Sexual violence leaves lasting scars for many generations to come, making peacebuilding extremely difficult. It is crucial that these acts not be viewed as separate, individual crimes. In many cases, they are calculated tactics of war and should be treated as such. Crimes of rape and sexual violence in armed conflict must be placed higher on the international agenda. The systematic use of rape has rightly been recognized as a war crime both by the Council and by the International Criminal Court.

An important step towards preventing sexual violence in conflict was taken in June last year, when the Security Council adopted resolution 1820 (2008), on women, and peace and security and sexual violence in situations of armed conflict. The Security Council recognized sexual violence as a security problem — a problem that requires a systematic security response. We are satisfied that the adoption of resolution 1820 (2008) has ended the debate on whether or not sexual violence belongs on the Security Council agenda. We look forward to the Secretary-General's report on the implementation of resolution 1820 (2008). We expect the recommendations to be forceful and comprehensive, resulting in a strong response from the Council.

Norway would also like to see the Security Council make use of the most effective measures at its disposal, including targeted sanctions, to make it clear that sexual violence is unacceptable and that perpetrators will be held accountable. It is

unacceptable that impunity for these extremely severe crimes seems to be the rule, not the exception. Norway supports the referral of such crimes to the International Criminal Court and consideration of sanctions against Member States, as well as non-State actors, that perpetrate these criminal acts. It is also our obligation as Member States to ensure that violators are brought to justice. It is our duty to ensure that the whole United Nations family — funds and programmes and peacekeeping missions — strengthen its focus and allocate resources in order to protect women and girls.

The protection of civilians is a comprehensive issue that requires comprehensive analysis and a concerted international response. That implies improving respect for international humanitarian law. It also implies providing United Nations peacekeeping operations with strong mandates, as well as the resources required to fulfil those mandates. Combating impunity and holding perpetrators accountable are key to protecting civilians in armed conflict and ending sexual violence.

The President: I now give the floor to the representative of Republic of Korea.

Mr. Park In-kook (Republic of Korea): My delegation shares the deep concerns over systematic, flagrant and widespread violations of international humanitarian and international human rights law. In that regard, we fully support the continued attention of the Security Council to that issue.

Indeed, the Security Council has made good normative progress on that issue over the past 10 years. Now, it is time to raise the urgency to translate that normative progress into concrete implementation on the ground. We therefore welcome and concur with the five core challenges identified and the recommendations made in the Secretary-General's report (S/2009/277) to address that urgency. Hoping that those challenges and recommendations will serve as a good basis to further our endeavour to translate normative discussion into action, I would like to highlight the following points.

First, no violators of international humanitarian law should go unpunished. As the Security Council reaffirms in resolution 1674 (2006), ending impunity is essential. When it is clearly established that there is no escape for a violator, compliance with international humanitarian law and international human rights law will be accordingly enhanced. Such law is respected and complied with when the consequences of egregious violations are clear. As stated in the latest presidential statement on protection of civilians in armed conflict (S/PRST/2009/1), protection of civilians is the primary responsibility of the parties to the armed conflict. In this regard, we fully endorse the Secretary-General's emphasis on accountability for those who commit mass atrocities, as well as the responsibility of States to prosecute those suspected of genocide, crimes against humanity and war crimes. Recognizing the responsibility of States, my delegation also wants to emphasize that the role of the International Criminal Court should be respected in upholding the concept of "no impunity" when there is clear evidence of inability or unwillingness by States to prosecute criminals.

Secondly, the proliferation and fragmentation of non-State armed groups deserves special attention. As traditional States see little profit in war in the globalized world and thus try to avoid war, the intra-State wars that involve non-State armed groups have increased drastically. Usually, these intra-State wars are based on ethnic, religious and cultural differences, which often give rise to genocide and atrocities against civilians.

Thirdly, sexual violence against women and girls in armed conflicts is one of the most horrible forms of violence against civilians and must be stopped. Women and girls are the most vulnerable, and sexual violence has a devastating and corrosive effect on society as a whole. The unanimous adoption of resolution 1820 (2008) was very encouraging, but considering that horrific sexual violence against women continues to be committed in many conflict situations, we need to strengthen our efforts to protect women and girls in conflict areas.

Finally, timely, safe and unhindered humanitarian access is a cardinal rule and should always be ensured. My delegation fully agrees with the findings and suggestions of the Secretary-General on this issue. As the source of lifesaving activities, the humanitarian response should be driven exclusively by the humanitarian needs of the affected populations, irrespective of any political grounds. Preventing access will only increase unnecessary casualties involving civilians, and States and non-State actors that employ accession prevention as a tactic should be held responsible. I look forward to further discussions at the Security Council on the Secretary-General's suggestions with a view to their full implementation.

My delegation appreciates the continuing efforts of the Security Council to protect civilians in armed conflict and has been rendering its full support. The Republic of Korea also believes that these efforts to protect civilians should be an integral part of all United Nations peacekeeping missions, and we welcomed resolution 1674 (2006), in which the Council stated its intention to include clear guidelines on civilian protection in the peacekeeping operations mandates. We expect the continued efforts of the Council to define and elaborate protection mandates, strategies and plans of action.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Mr. President, may I congratulate you on your fine work as President of the Security Council this month. I welcome the initiative that enables us to discuss this very important issue, namely the protection of civilians in armed conflicts.

Armed conflicts are characterized by their changing nature, which involves a multiplicity of factors, requiring, in turn, an integral approach. The parties involved, the Security Council, the General Assembly, the Economic and Social Council and the Human Rights Council, as well as other organs of the system within their respective fields of competence, must develop prevention strategies to safeguard peace and protect civilians, dealing with the underlying causes of armed conflicts: poverty, external intervention by international corporations, desire for domination on the part of some countries, and so forth.

Our State has had the responsibility of protecting civilians displaced by the internal conflict being experienced by our Colombian neighbours and have received them as brothers and sisters and as though they were citizens of our country. These are civilians who flee from their lands and their homes to escape the internal war. Many of them settle in our country, and we welcome them and integrate them into our society. Other displaced persons return to their homes in Colombia when they see the opportunity for a fresh start. In these circumstances, they have been treated in strict compliance with humanitarian law and in keeping with our constitutional responsibility to respect human rights.

Nonetheless, that has not been the fate of other peoples in the world, and here I must refer to the specific case of the long-suffering people of Palestine. The illegal occupation of Gaza by the Government of Israel towards the end of 2008 and in early 2009 gave rise to the criminal imposition of a curfew on the civilian population, which still persists. On that occasion, over 1,300 Palestinian children and women were killed and 5,300 were wounded or mutilated for life by these undesirable practices. This situation must not go unpunished. Otherwise, some countries waging war would be encouraged to engage in the perverse practice of targeting civilians and the people for military attacks. Practices such as these must be the subject of the most rigorous consideration by this body, fully backed by the General Assembly, and the necessary legal measures to avoid more civilian lives being lost because of the impunity syndrome must be taken.

Wrongful practices against civilians also include the detention of children, adolescents and women in military conflicts for the alleged purpose of obtaining information about the conflict and its protagonists, a situation that is in clear violation of the human rights of civilians. Another practice consists in attacking humanitarian missions, such as the Red Cross and the Red Crescent and United Nations peacekeeping operations, as we have seen in Gaza in recent months, with the destruction of infrastructure for public services, housing, schools and United Nations buildings where staff of this Organization who were on a humanitarian mission lost their lives.

The Government of the Bolivarian Republic of Venezuela reiterates that the primary responsibility for the protection of civilians in armed conflicts resides with States, and that the international community can play a constructive role in support of national efforts, always with respect for the sovereignty and territorial integrity of States.

We also view with concern the attempts of some States to interpret as they see fit the concept of responsibility to protect contained in paragraph 139 of the Final Document of 2005 World Summit. Some countries have groundlessly tried to affirm that this concept is a norm that can be implemented without the required discussions, but we believe that the General Assembly must discuss this concept and provide it with a consensus interpretation.

Finally, Venezuela would like to reiterate its commitment to peace and its readiness to debate in the

General Assembly all measures to effectively protect civilians in armed conflict. We are convinced that it is in that body that we can achieve the genuine political commitment of States in the implementation of the norms of international humanitarian law and human rights on behalf of civilian populations affected by such conflicts.

The President: I now give the floor to Mrs. Alice Mungwa, Senior Political Affairs Adviser at the Office of the Permanent Observer of the African Union to the United Nations.

Mrs. Mungwa: Allow me to join previous speakers in commending you, Mr. President, for organizing this important debate, as well as to convey to you the apologies of my Ambassador. She is away from New York today to attend meetings for the upcoming Assembly of the African Union in Sirte, Libya. We would also like to join previous speakers in thanking the Secretary-General for his report (S/2009/277). We also thank Under-Secretary-General Holmes for his introduction of the report this morning and for all the efforts he is making in order to promote the protection of civilians in situations of armed conflict, which is a particularly relevant issue for Africa.

The protection of civilians — in particular of women, children, the elderly and persons with disabilities — during a situation of conflict is a basic foundation of African culture, which is also synonymous with international humanitarian law. Indeed, barely three years into its existence, the former Organization of African Unity enacted the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. In the same vein, since its inception in 2002, the African Union, in seeking to foster the protection of civilians in situations of armed conflict in the continent, has established major policy frameworks and institutions.

Indeed, article 4(h) of the Constitutive Act of the African Union further conveys a mandate on the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances — namely, war crimes, genocide and crimes against humanity — in order to protect civilians. Furthermore, the provisions of institutions comprising the African Peace and Security Architecture — notably the Peace and Security Council, the African Stand-by Force, the Panel of the Wise and the African Continental Early Warning System — also include important elements pertaining to the protection of civilians in situations of armed conflict. The African Union's Post-Conflict Reconstruction and Development framework further sets out principles for comprehensive post-conflict recovery, rehabilitation and reconciliation in three phases and six major pillars.

The adoption of that legal framework demonstrates the commitment of African States to fully play their role in efforts to protect civilians in situations of armed conflict. Various frameworks have been established aimed at their implementation. We continue to call on the Security Council to continue to lend its support for the implementation of those frameworks, which include, in particular, the office of the special representative of the African Union for the protection of civilians in armed conflict, which advocates with both State and non-State actors at the highest level in respect of international humanitarian law and the protection of civilians in situations of armed conflict. African Union leaders also maintain a vigorous system of special envoys and representatives who work closely with member States to conduct early preventive diplomacy and other good offices to help prevent conflict and to de-escalate tensions, working closely with other international partners.

Overall, following the efforts of the African Union to promote peace and security and democratic governance around the continent with the support of the Security Council, we believe that there is renewed confidence and hope among millions of civilians who are affected by conflicts in Africa that those efforts will significantly improve their situation as the Security Council continues to focus on this particular issue.

The African Union is also pursuing other activities and thematic questions that we believe will contribute to the protection of civilians in situations of armed conflict as well. Those include the whole question of security-sector reform and the promotion of a human security approach that also seeks to enhance efforts aimed at addressing the root causes of conflict.

We are pleased with the emphasis that has been placed on the protection of women and children in the debate today, because that is also one area where the African Union has placed special emphasis, as demonstrated by the adoption of three major policy instruments since 2002. They include the Protocol to the African Charter on Human and Peoples' Rights on

the Rights of Women in Africa, the African Union Solemn Declaration on Gender Equality in Africa and the gender policy of the African Union, which was recently adopted. Special emphasis has also been placed on the protection of youth, who are often vulnerable to non-State actors who perpetrate serious attacks against civilians in situations of armed conflict.

Other components of the African Union are also focusing on helping to understand attacks against civilians in situations of armed conflict. In that regard, the Pan-African Parliament and the Economic and Social Council of the African Union are also working with non-State actors to conduct fact-finding missions, lend their support for an increased voice for women in peace talks and provide technical support to various peace-support initiatives of the African Union.

However, as has been mentioned by many previous speakers in today's debate, despite the progress achieved in establishing necessary instruments — those I just described as well as those that have been adopted by the Security Council — there have certainly been serious gaps in implementation in the field. Just to take one example, for the past 10 years, during which the Security Council has debated the protection of civilians in situations of armed conflict, extensive violence and death have been visited upon innocent civilians in Somalia. We would therefore like to take this opportunity to once again thank the Council and the international community for the efforts deployed so far, as well as to restate the appeal of the Transitional Federal Government of Somalia, the African Union and other international partners for the Security Council to take necessary measures concerning the situation in Somalia in particular. We also call on the Council to lend its support to the efforts of the African Union as it continues to try to prevent the escalation of the situation in Somalia. We are grateful for the progress that has been made in connection with the support package approved by the Council for the African Union Mission in Somalia.

The international community must also not lose sight of the up to 20 million internally displaced people in Africa, most of whom have been in that situation for several years, or even decades in some situations. In that connection, the African Union is also continuing to do its part and is in the process of establishing a new instrument devoted to addressing the question of internally displaced persons in order to strengthen applicable norms of international humanitarian law, which have been the only recourse for internally displaced persons around the continent.

The importance of prevention and early conflict-resolution has also been emphasized and widely supported in the debate today. We believe they form the best strategy to avert the tragedies faced by civilians in situations of armed conflict. The African Union, working closely with the United Nations and the international community, continues to initiate and participate in diplomatic initiatives to avert the outbreak of conflict.

The protection of civilians in situations of armed conflict is clearly a complex process. That underscores the need to forge partnerships involving all relevant actors, including Governments, humanitarian organizations, civil society, the military in certain situations, the private sector, the donor community and affected populations themselves. We believe that, for this to be effective, this partnership should be designed to support and complement national efforts and initiatives, which are responsive and adapted to the realities on the ground. Each actor should be engaged based on what it can do best and focusing on its comparative advantages in relation to the others.

We feel fortunate that this debate is taking place at a time when the Security Council is discussing the question of the mobilization of resources and the support of peace support operations by regional organizations such as the African Union. It is indeed our sincere hope that this debate will strengthen the resolve of the Security Council to enhance the mandates and capabilities of peacekeeping operations, in particular those that are related to the protection of civilians, and to enhance support for the peace efforts of regional organizations such as the African Union.

Finally, we also wish to reiterate the importance of addressing the crucial question of the illegal circulation of small arms and lights weapons, which often fall into the hands of non-State actors, who use them to perpetrate attacks against civilians in situations of armed conflict.

With these few remarks, Sir, we thank you so much for giving us the opportunity to participate in this meeting, and we certainly look forward to working on the implementation of the recommendations outlined in the report of the Secretary-General.

The President: The representative of the Russian Federation has asked for the floor to make a further statement. I give him the floor.

Mr. Zheglov (Russian Federation) (*spoke in Russian*): I am forced to take the floor in connection with a number of statements made by the distinguished representative of Georgia. I would like once again to point out to the Council that it was in fact Georgia that in August 2008 unleashed an attack against South Ossetia, which resulted in a humanitarian catastrophe for the entire people and mass human rights violations. During the night of 8 August 2008, the Georgian army, trained and well-armed from abroad, attacked the sleeping city of Tskhinvali. In spite of agreements that had been signed, the norms of international law and the dictates of human morality, the armed forces of Georgia struck at civilians and shot at peacekeepers.

Operation Clear Field, which had as its goal the physical destruction and ousting of Ossetians from the land of their ancestors, was a continuation of the policy of Tbilisi towards the Ossetian people which began in 1991. In August 2008, the implementation of this policy spilled over into ethnic cleansing and crimes against humanity.

The basic outcome of this adventure on the part of Saakashvili is well known: hundreds of people were killed and wounded, and tens of thousands became refugees and internally displaced persons. There is evidence of the fact that the Georgian military deliberately targeted civilians on the streets of the city and refugees on the road to Zarsk.

One of the harshest results of Georgian aggression against South Ossetia was the mass exodus of the inhabitants of the Republic. The Georgian people themselves were victims of Saakashvili's policy. Citizens of that country and non-citizens alike did not wish to return to their homes, fearing persecution and repression from the Georgian authorities and extremist elements. As a result, approximately 2,000 inhabitants of Georgia appealed to be officially recognized by the Russian Federation as refugees.

It is absolutely false to assert that the Russian Federation is occupying the territory of Georgia. The legal basis for introducing Russian troops into the territory of South Ossetia was Article 51 of the United Nations Charter, on the right to self-defence, about which, in accordance with the established procedure, the Security Council was informed.

We cannot agree with allegations to the effect that there are restrictions on humanitarian access to South Ossetia. It has been demonstrated in practice that, for those institutions that truly wish to help South Ossetia, access is open. Against this background, we can see that it is the Georgian leadership that is trying to hinder international humanitarian assistance to South Ossetia in carrying out recovery work. To that end, the Georgian law on the so-called occupied territories, which is referred to in the report of the Secretary-General (S/2009/277, annex, para. 12), is being invoked.

The crimes of the Georgian army in South Ossetia should be properly assessed, including from the standpoint of international law. First and foremost, there is the responsibility of the Georgian leadership, which took military action against civilians in the country and committed, over a period of almost two decades, many acts that can be classified as international crimes.

At the current time, the situation in the so-called buffer zones is becoming more tense as a result of the build-up there of Georgia's armed forces, something that may lead to new hotbeds of tension on the borders between South Ossetia and Abkhazia.

In conclusion, I would mention that the Russian and Georgian peoples, historically, have always had warm and fraternal relations, and we are certain that this will continue in the future. The conflict unleashed by Saakashvili is an example of civilians' interests being held hostage by political adventures.

The President: I now give the floor to Mr. John Holmes to respond to the comments made.

Mr. Holmes: I have listened carefully to all of today's debate, and I welcome the clear commitment to the protection of civilians agenda shown both by the number of speakers and their obvious commitment in their comments to this issue. I also welcome the recognition by virtually all speakers of the need to do much more to ensure that our words and actions make a tangible difference on the ground for civilians affected by armed conflict.

I am heartened by the support expressed for many of the recommendations in the Secretary-General's report and for the continued activities of the informal Expert Group, and by the comments on the value of the revised aide-mémoire and the importance of the future

report by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on the protection of civilians in peacekeeping mandates.

Given the lateness of the hour, I will not try to respond to all the detailed points that have been made by individual delegations, but let me comment on one or two points of particular significance.

Some speakers raised concerns over the inclusion of certain situations in the report of the Secretary-General and therefore their characterization as situations of armed conflict, explaining that they should be seen rather as law enforcement or counter-terrorism operations. Whether a situation constitutes an armed conflict is in fact determined by the facts on the ground on the basis of criteria developed in the jurisprudence of international tribunals, notably the involvement of organized parties fighting one another and the intensity and duration of the violence. Situations referred to in this report, in our view, meet these criteria. They have been marked by prolonged and intense military engagements, including by Government armed forces as opposed to just by police, by the use of heavy weapons and by the displacement of thousands of civilians as well as significant civilian casualties. The motive for an operation and how it is referred to by the affected States themselves do not alter this determination.

That being said — and I hope this will respond in part to comments raised by the representative of Sri Lanka — it is important to repeat and to reassure Member States that such a determination or inclusion in such a report should not be seen as judging or condemning the conduct of the parties or in any way questioning States' entitlement to take the measures to put an end to terrorism, nor does it affect the legal status of the parties involved or equate the parties in any way. Again, in response to what was said by the representative of Sri Lanka, in our considerations, we do indeed try to take account of the ground realities, civilian casualties from suicide bombings and other indiscriminate attacks, which I mentioned specifically this morning, and the need to both respect national sovereignty and cooperate with national Governments while, of course, at the same time, respecting the basic humanitarian principles of independence, impartiality and neutrality.

What that means is that once the response to terrorism is such as to reach the threshold of an armed conflict, it must comply with international humanitarian law and, as I have emphasized before, violations of this law by the parties the affected State is fighting does not entitle it to ignore its own obligations under international law.

I listened carefully to what the distinguished representative of Israel said, and I of course take seriously the points he made, while not necessarily agreeing with him. I have one or two specific comments to make in response. The brief factual paragraph that was devoted to the conflict in Gaza at the beginning of this year could not, of course, cover all the points or all the nuances of a complex situation in the same way that references to other situations did not pretend to be comprehensive, while still aiming to be balanced. The report did not mention on this occasion the rocket attacks against southern Israel, but the Secretary-General, I and many others from the United Nations have strongly and systematically condemned such intentional targeting of civilians in the past, so there should be no question about our position on this.

As to the manner in which the report refers to the conduct of Hamas during the conflict, we are unfortunately not in a position ourselves to verify reports of improper use of civilian objects or civilians themselves as shields — inter alia, for some of the reasons given by Israel — and therefore cannot speak with a greater degree of certainty. However, the information we do have does raise extremely serious concerns in this regard. The fact-finding commission currently being conducted by Judge Goldstone under the auspices of the Human Rights Council is aiming to clarify this question, as well as others raised in this context. It is a matter of regret that the Government of Israel has not so far been willing to cooperate with the inquiry.

Meanwhile — and I hope, again, that this will respond to some extent to comments made by the representative of Sri Lanka — we certainly are very conscious of the general problem of non-State actors not adhering to their protection of civilians obligations and, more widely, the problems posed in this context by asymmetric warfare, as the Secretary-General's report and, indeed, my presentation this morning made clear.

A number of States have, in fact, expressed support for further discussion about engagement with non-State armed groups in order to improve their compliance with the law and the idea of an Arria formula meeting. A number of States also noted the sensitivities that surround such engagement and the need to avoid political legitimization. I fully acknowledge these sensitivities, but at the same time the truth is that we do need to engage with such groups if we are going to promote and seek improved protection of civilians, if we are to have consistent access to those in need, and if aid workers are to be able to carry out their work in a safe and secure environment, which is frequently not the case at the moment.

On the question of access, I am encouraged by the positive response to the annex on access constraints, and we intend to continue to provide detailed information on this issue to the Security Council, including through the Expert Group, with the aim of improving access in practical terms on the ground.

Finally, I have noted the numerous calls for improving the quality of the reporting on protection of civilians in the Secretary-General's country-specific reports, and also calls for more assessments and monitoring of the actual implementation of the Council's mandates to protect civilians. This is one area we intend to take forward with Member States and other relevant parts of the Secretariat between now and our next debate in November.

My colleagues in the Office for the Coordination of Humanitarian Affairs will also be consulting with members of the Council and other Member States to identify the most appropriate and effective means of ensuring follow-up to the recommendations in the report, in advance of the next open debate in November. In this context, I welcome the intention of the future Austrian presidency to give that debate ministerial attention, and I hope that other Security Council delegations will consider following this example as a sign of the seriousness with which the Council takes these issues and of its determination to achieve practical results.

I thank you again, Sir, for organizing debate, and I thank all delegations for their contributions and attention.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.35 p.m.

United Nations S/PV.6152

Security Council

Sixty-fourth year

Provisional

6152nd meeting

Friday, 26 June 2009, 3 p.m.

New York

President:	Mr. Ilkin	(Turkey)
Members:	Austria	Mr. Lutterotti
	Burkina Faso	Mr. Kafando
	China	Mr. Long Zhou
	Costa Rica	Ms. Villalobos
	Croatia	Mr. Skračić
	France	Mr. De Rivière
	Japan	Mr. Miyajima
	Libyan Arab Jamahiriya	Mr. Elshakshuki
	Mexico	Mr. Puente
	Russian Federation	Mr. Demin
	Uganda	Mr. Rugunda
	United Kingdomn of Great Britain and Northern Ireland	Mr. Saltonstall
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Guinea-Bissau

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/302)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Guinea-Bissau

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/302)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/327, which contains the text of a draft resolution submitted by Burkina Faso. Members of the Council also have before them document S/2009/302, which contains the report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1876 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.10 p.m.